

# SENATE JOURNAL

REGULAR AND FIRST EXTRAORDINARY  
SESSIONS

## FORTY-SIXTH LEGISLATURE STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol  
—1979—

Convened Regular Session January 8, 1979.  
Adjourned Regular Session *SINE DIE* March 8, 1979.  
Convened First Extraordinary Session March 21, 1979.  
Adjourned First Extraordinary Session *SINE DIE* June 1, 1979.

### VOLUME 1

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



DOROTHY GREELEY  
*Minute and Journal Clerk*

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

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* ..... GORDON L. WALGREN  
*Chairman* ..... GARY M. ODEGAARD  
*Assistant Majority Leader* ..... DAN MARSH  
*Vice Chairman* ..... GEORGE FLEMING  
*Secretary* ..... BRUCE A. WILSON

### REPUBLICAN CAUCUS

\* *Minority Leader* ..... JIM MATSON  
\*\* *Chairman* ..... CHARLES NEWSCHWANDER  
*Floor Leader* ..... GEORGE W. CLARKE  
*Minority Whip* ..... JOHN D. JONES  
\*\*\* *Assistant Floor Leader* ..... R. H. (BOB) LEWIS  
*Vice Chairman* ..... F. (PAT) WANAMAKER

- \* Jeannette Hayner replaced Jim Matson as Republican Leader, May 29, 1979
- \*\* George W. Scott replaced Charles Newschwander as Caucus Chairman, May 29, 1979
- \*\*\* R. H. (Bob) Lewis elected Executive Chairman, May 29, 1979

*Assistant Secretary* ..... BILL GLEASON  
*Sergeant at Arms* ..... CHARLES L. R. JOHNSON  
*Secretary to the Secretary* ..... PATRICIA McNULTY  
*Reader* ..... VERNE SAWYER

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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
FORTY-SIXTH LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 8, 1979.

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

The Color Guard, Pages Ann Manning and Chris Leffel, presented the Colors. Father Herbert Pins, pastor of St. Michael's Church of Olympia, offered the following prayer: •

"FATHER IN HEAVEN, WE TURN TO YOU AT THE BEGINNING OF EACH NEW ENDEAVOR. FROM THE CREATION OF TIME YOU HAVE CHARGED US WITH THE COMPLETION OF WHAT YOU HAVE CREATED AND BEGUN.

"WE ARE GATHERED WITH MANY AND VARIED INTERESTS TO SERVE AND FOSTER FURTHER THE COMMON GOOD OF ALL OUR FELLOW MEN AND WOMEN IN THE STATE OF WASHINGTON. WE PRAY, THEN, AT THIS NEW BEGINNING OF A NEW SENATE SESSION, FOR YOUR GUIDING HAND. BLESS EACH PERSON WHO WILL TAKE PART IN THIS LEGISLATIVE ENDEAVOR. IN THE END, WE PRAY THAT OUR EFFORTS MIGHT BE FITTING SERVICE AND PRAISE FOR YOUR NAME. WE ASK THIS CONTINUING BLESSING THROUGH CHRIST OUR LORD. AMEN."

## ROLL CALL

The Acting Secretary called the roll of holdover members of the Senate. The following Senators were present: Del Bausch, R. Ted Bottiger, George W. Clarke, Paul Conner, William S. "Bill" Day, Hubert F. Donohue, Marcus Gaspard, Jeannette Hayner, Al Henry, R. H. "Bob" Lewis, Dan Marsh, Jim Matson, Charles E. Newschwander, Gary M. Odegaard, Lowell Peterson, J. T. Quigg, George L. Sellar, Don L. Talley, Ray Van Hollebeke, Gordon Walgren, F. "Pat" Wanamaker, R. Lorraine Wojahn, Dianne Woody. Senator James E. Keefe was not present.

## MOTION

On motion of Senator Wilson, Senator Keefe was excused.

## APPOINTMENT OF SPECIAL COMMITTEE

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

## PRESIDENT'S PRIVILEGE

President Cherberg: "The President would like to exercise the privilege at this particular time, with your permission, to extend a hearty welcome to holdover Senators and wish you well in the forty-sixth legislative session."

## MESSAGE FROM THE SECRETARY OF STATE

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 DEPARTMENT OF STATE  
 OFFICE OF THE SECRETARY
 

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December 7, 1978

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

DEAR SIR:

I, Bruce K. Chapman, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the General Election held in the several voting precincts in the State of Washington on the seventh day of November, 1978, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators from the forty-fifth session of the Legislature and that all of the following are entitled to seats in the Senate of the Legislature of the State of Washington, at its forty-sixth biennial session commencing on the eighth day of January, A.D., 1978, as appears from said election returns:

## LIST OF SENATORS ELECTED NOVEMBER 7, 1978

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
No. 6	Sam C. Guess	Spokane, part
No. 7	Bruce A. Wilson	Ferry, Lincoln, Pend Oreille, Stevens and parts of Okanogan and Spokane

No. 8	Max E. Benitz	Benton and Yakima, part
No. 11	A. N. "Bud" Shinpoch	King, part
No. 13	Frank "Tub" Hansen	Kittitas and parts of Grant and Yakima
No. 15	Sid W. Morrison	Yakima, part
No. 21	Sue Gould	Snohomish, part
No. 26	Art Gallagher	Kitsap, part and Pierce, part
No. 29	A. L. "Slim" Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part
No. 31	King Lysen	King, part
No. 32	Al Williams	King, part
No. 33	Eleanor Lee	King, part
No. 34	Phil Talmadge	King, part
No. 35	Ruthe Ridder	King, part
No. 36	Ray Moore	King, part
No. 37	George Fleming	King, part
No. 38	Larry Vognild	Snohomish
No. 42	Barney Goltz	Whatcom, part
No. 43	Jim McDermott	King, part
No. 44	Lois North	King, part
No. 45	Alan Bluechel	King, part
No. 46	George Scott	King, part
No. 47	Kent Pullen	King, part
No. 48	John D. Jones	King, part

## LIST OF HOLDOVER SENATORS

<u>District</u>	<u>Name</u>	<u>Counties Represented</u>
No. 1	Ray Van Hollebeke	King, part and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part and Thurston, part
No. 3	James E. Keefe	Spokane, part
No. 4	William S. "Bill" Day	Spokane, part and Whitman, part
No. 5	R. H. "Bob" Lewis	Spokane, part
No. 9	Hubert F. Donohue	Adams, Asotin, Garfield, and parts of Columbia, Grant and Whitman
No. 10	F. "Pat" Wanamaker	Island and Snohomish, part
No. 12	George L. Sellar	Chelan, Douglas and parts of Grant and Okanogan
No. 14	Jim Matson	Yakima, part
No. 16	Jeannette Hayner	Franklin, Walla Walla and Columbia, part
No. 17	Al Henry	Klickitat, Skamania and Clark, part
No. 18	Don L. Talley	Cowlitz, part and Clark, part
No. 19	J. T. Quigg	Grays Harbor and Pacific, part
No. 20	Gary Odegaard	Lewis, Wahkiakum and parts of Cowlitz, Pacific and Thurston
No. 22	Del Bausch	Thurston, part
No. 23	Gordon L. Walgren	Kitsap, part
No. 24	Paul Conner	Clallam, Jefferson, Mason and Thurston, part
No. 25	Marcus S. Gaspard	King, part and Pierce, part
No. 27	Lorraine Wojahn	Pierce, part
No. 28	Charles Newschwander	Pierce, part
No. 39	Dianne Woody	King, part and Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit and Whatcom, part

No. 41	George W. Clarke	King, part
No. 49	Dan Marsh	Clarke, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this seventh day of December, A.D., 1978.

BRUCE K. CHAPMAN  
Secretary of State

#### ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: Max E. Benitz, Alan Bluechel, George Fleming, H. A. "Barney" Goltz, Susan E. Gould, Sam Guess, John Jones, Eleanor Lee, James A. McDermott, Sid W. Morrison, Lois North, Kent Pullen, A. L. "Slim" Rasmussen, Ruthe Ridder, George W. Scott, A. N. "Bud" Shinpoch, Peter von Reichbauer, Al Williams, Bruce A. Wilson,

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

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

#### ROLL CALL

The Acting Secretary called the roll of the following newly elected members of the Senate and all were present: Art Gallagher, Frank "Tub" Hansen, King Lysen, Ray Moore, Phil Talmadge, Larry L. Vognild.

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

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

#### PRESIDENT'S PRIVILEGE

President Cherberg: "The President should like very much to join with the members of the Senate, and so many parents, wives, husbands, children and friends in the gallery, and people throughout the state, in extending our heartiest congratulations to the newly reelected members of the Senate, and to the newly elected members of the Senate, and also a very warm welcome to you newly elected members.

"The President should also like to offer you congratulations Judge Williams, and to thank you very much for your performance today.

"We deeply appreciate your giving up your valuable time to be with us this morning."

#### ELECTION OF OFFICERS PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President, I would like to place in nomination the name of Senator Al Henry. Senator Al Henry is well known to all of us. He served in these halls since 1957. He has already served an unprecedented seven terms as President Pro Tem. He is well known for his 'Henry's Rules of Order'. I think we need

those for this eighth term. I hope you all join with me in supporting Senator Al Henry for President Pro Tem."

#### REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President, I would like to second the nomination of Senator Henry. As most of us know, he has a fast gavel. He is fair whenever it is possible, and if we are going to get out of here in sixty days, we are going to need him."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, I would like to join in seconding the nomination. Senator Al Henry and I are the only two left of the Class of '57."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator Al Henry was unanimously elected President Pro Tempore by the following vote: Yeas, 47; absent or not voting, 1; excused 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

#### APPOINTMENT OF SPECIAL COMMITTEE

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

Justice Williams of the Washington State Supreme Court administered the oath of office to Senator Henry.

#### PRESIDENT'S REMARKS

President Cherberg: "Senator Henry, the President certainly wishes that you would not have these close elections. They literally tear many of us apart. But we do want to extend to you our heartiest congratulations, and to thank you for the wonderful services that you have always performed in this office.

"The President should like also to thank the members of the Senate for electing my good friend Al Henry the President Pro Tem."

#### REMARKS BY SENATOR HENRY

Senator Henry: "First I would like to express my appreciation to the Lieutenant Governor for not appointing as my escort Senators Talmadge and Day. We would have never made it down the center aisle. John, as always, is very thoughtful with Senator Guess and Senator Donohue who have missed a quite a few meals evidently in their past.

"It is a real pleasure again to serve you as your President Pro Tem. I enjoy it. I can assure you that I will do my best to recognize you in the order in which you address the chair, regardless of which side of the chamber you are on, and I will only tell you this that I will make the rulings in my own fashion at times, perhaps, but I will try to get on to another subject before you find out whether or not I am wrong. Thank you."

#### VICE PRESIDENT PRO TEMPORE

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

#### REMARKS BY SENATOR DAY

Senator Day: "Thank you, Mr. President, it is a great deal of pleasure and an honor for me to place in nomination for the office of Vice-President Pro Tem of the Senate, my good friend Senator James Edward Keefe. I am sorry that Jimmie is not here today. He will be shortly. Everyone knows him. He is number one in service in this Senate, and I am certain he is number one in all of our hearts as well, and I would certainly hope that you would support Jim for Vice-President Pro Tem."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I rise to second the nomination of Senator Keefe as Vice-President Pro Tem. He has, as you know, we all know he has been here through thick and thin, pain and misery, and he will again be with us this session. He does an excellent job when he presides, and in fact he is patterning his actions after Senator Henry and yourself, which are good teachers."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President, I also join in seconding the nomination of Senator Keefe, who we all have known and respected for such a long period of time."

#### MOTION

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

#### ROLL CALL

The Acting Secretary called the roll and Senator James E. Keefe was unanimously elected Vice President Pro Tempore by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### PRESIDENT'S PRIVILEGE

President Cherberg: "Senator Keefe will be delighted to hear of your actions today and I am sure that it will really and truly warm his heart."

## SECRETARY OF THE SENATE

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

## REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, it is an honor for me to place the name of Sid Snyder for the office of the Secretary of the Senate.

"Mr. President, and members of the Senate, Sid is not only a constituent of mine, but he has also done a tremendous job over the years as Secretary of the Senate, as all of you know. If you do not know, for the newer members, you will soon learn that he will do a very fine job for you and take care of all those little details and problems. I do not think I really need to say any more about Sid. He has been around here many years doing a great job in both houses, and we are honored to have him before us today to serve us in the next two year period."

## REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President and members of the Senate, I would like to second the nomination of Sid Snyder for Secretary of the Senate.

"Senator Snyder, or Secretary Snyder is an inescapable person to deal with here. He always has the key to everything and everybody ought to know that. He is always even-handed in the way he deals with us. Most important, I think, about his career this year, is the fact that he spent twenty years in the House before he came over here, and maybe he can help us understand what is happening over there. I urge your vote for Sid Snyder."

## MOTION

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

## ROLL CALL

The roll was called and Sidney R. Snyder was unanimously elected Secretary of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## APPOINTMENT OF SPECIAL COMMITTEE

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

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

## REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Members of the Senate, ladies and gentlemen, Sid Snyder has to be the finest Secretary of the Senate in the entire land, and the President is more than grateful to you for once again electing Sid by a good round number.

Forty-eight to nothing is not too shabby. Sid is one of the hottest football fans around, and basketball. I like to see a man like that come through. Sid would you please favor us with a few remarks."

#### REMARKS BY SIDNEY R. SNYDER

Sidney R. Snyder: "Thank you Mr. President. Ladies and gentlemen of the Senate, I hope that everybody is saying as nice things about me when we come to the end of the session as you are today. In order to expedite the business of the Senate, and hopefully we can help get out of here in sixty days, or very few days longer than that, I will just say a very, very heartfelt thanks to all of you. Thank you."

#### REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The President forgot to state that had Jimmie Keefe been here it would have been forty-nine to nothing."

#### SERGEANT AT ARMS

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

#### REMARKS BY SENATOR HENRY

Senator Henry: "Members of the Senate, with your indulgence I will exercise my prerogative as President Pro Tem and also of age. I have been up and down so many times this morning that I do not feel like walking back to my desk, but it is a pleasure, for me to again, for many, many years I have nominated our Sergeant of Arms, not only in the Senate but in the House. He has done an excellent job. He works hard for all the members, and I want to solicit your support for Charlie Johnson as Sergeant of Arms of the Washington State Senate."

#### REMARKS BY SENATOR CONNER

Senator Conner: "Mr. Speaker, I would like to second the nomination of Charlie Johnson.

"Mr. Speaker and ladies and gentlemen of the House, the individual that we are nominating for this position had served in the legislature. He had worked in the House, he has worked for this body, for the individuals of both sides of the aisle and I would certainly urge your support for Representative Johnson for this office."

#### MOTION

There being no further nominations, on motion of senator Walgren, the nominations were closed.

#### ROLL CALL

The Secretary called the roll and Charlie Johnson was unanimously elected Sergeant at Arms of the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**APPOINTMENT OF SPECIAL COMMITTEE**

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

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

**REMARKS BY PRESIDENT CHERBERG**

President Cherberg: "Honored members of the Senate, ladies and gentlemen, it should be pointed out that Charles Johnson is one of the Big Four that came to the Washington State Senate in 1957. That includes Senator Henry, Senator Talley, the President and Charles Johnson. The heartiest congratulations upon your election, Charlie, we know that you are going to do your own inimitable good job as Sergeant at Arms. Would you please address us."

**REMARKS BY CHARLIE JOHNSON**

Charlie Johnson: "Thank you, Governor, thank you, Senator Henry, and thank all of you very, very much. I appreciate it and I am very happy to help you any way I can, and I appreciate your voting for me one more time."

**COMMITTEE FROM THE HOUSE**

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

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

**PRESIDENT'S PRIVILEGE**

President Cherberg: "Thank you very much gentlemen. The President appreciates the fact that you displayed this memento to the group, and to express the thought that you allayed the President's fear that you might reveal a two-headed monster."

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

**MOTION**

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

**SENATE RESOLUTION 1979-1**

By Senators Walgren, Odegaard, Matson and Newschwander:

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

**APPOINTMENT OF SPECIAL COMMITTEE**

The President appointed Senators Day, Conner and Hayner as a committee of three to notify the House that the Senate is organized and ready to transact business.

**MOTION**

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

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

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Walgren, Odegaard, Matson and Newschwander:

Notifying the Governor that the legislature is organized and in session.

## MOTIONS

On motion of Senator Walgren, Senate Concurrent Resolution No. 101 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, Senate Concurrent Resolution No. 101 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Walgren, Odegaard, Newschwander and Matson as a committee of four from the Senate in accordance with Senate Concurrent Resolution No. 101, to join with a like committee from the House to notify the Governor that the legislature is organized and in session.

## MOTION

On motion of Senator Walgren, the appointees were confirmed.

## MOTION

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

## SENATE RESOLUTION 1979-2

By Senators Walgren, Odegaard, Matson and Newschwander:

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

## MOTION

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

## SENATE RESOLUTION 1979-3

By Senators Walgren, Odegaard, Matson and Newschwander:

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

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

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Day, Conner and Hayner appeared before the bar of the Senate to notify the Senate that the House had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

## MOTION

At 1:30 p.m., on motion of Senator Walgren, the Senate recessed until 2:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Walgren, Odegaard, Newschwander and Matson appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 101, that the legislature was organized and ready to transact business.

The report was received and the committee was discharged.

## MOTION

At 2:38 p.m., on motion of Senator Walgren, the Senate recessed subject to call of the President.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:20 p.m.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution No. 4.

Senator Walgren moved adoption of the following resolution:

## SENATE RESOLUTION 1979-4

By Senators Walgren, Odegaard, Marsh, Henry and Bottiger:

BE IT RESOLVED, That the Rules of the Senate for the 46th Legislature are to read as follows:

**PERMANENT RULES  
OF THE  
SENATE  
FORTY-SIXTH LEGISLATURE  
1979**

## SENATE RULE NO.

- |                |  |
|----------------|--|
| <b>Rule 1</b>  | Duties of the president.                 |
| <b>Rule 2</b>  | Committees—Appointment and confirmation. |
| <b>Rule 3</b>  | Election by roll call.                   |
| <b>Rule 4</b>  | Secretary, sergeant at arms, employees.  |
| <b>Rule 5</b>  | Subordinate officers.                    |
| <b>Rule 6</b>  | Restriction of employment.               |
| <b>Rule 7</b>  | President pro tem.                       |
| <b>Rule 8</b>  | Payment of expenses.                     |
| <b>Rule 9</b>  | Daily convening time.                    |
| <b>Rule 10</b> | Quorum.                                  |
| <b>Rule 11</b> | Call of the senate.                      |

<b>Rule 12</b>	Order of business.
<b>Rule 13</b>	Business to be announced.
<b>Rule 14</b>	Special order.
<b>Rule 15</b>	Unfinished business.
<b>Rule 16</b>	Rules of debate.
<b>Rule 17</b>	Motions—How presented.
<b>Rule 18</b>	Recognition by the president.
<b>Rule 19</b>	Priority of business.
<b>Rule 20</b>	Messages.
<b>Rule 21</b>	Precedence of motions.
<b>Rule 22</b>	Opening and closing debate.
<b>Rule 23</b>	Call for division of a question.
<b>Rule 24</b>	Point of order—Decision appealable.
<b>Rule 25</b>	Question of privilege.
<b>Rule 26</b>	Protests.
<b>Rule 27</b>	Reading of papers.
<b>Rule 28</b>	Suspension of Rules.
<b>Rule 29</b>	Suspension of rules—Debate.
<b>Rule 30</b>	Previous question.
<b>Rule 31</b>	Reconsideration, how taken.
<b>Rule 32</b>	Yeas and nays—When must be taken.
<b>Rule 33</b>	Tie vote.
<b>Rule 34</b>	Announcement of vote.
<b>Rule 35</b>	Motion to adjourn.
<b>Rule 36</b>	Decorum.
<b>Rule 37</b>	Breach of decorum.
<b>Rule 38</b>	Transgression of rules.
<b>Rule 39</b>	Absence of senator without leave.
<b>Rule 40</b>	Use of senate chambers.
<b>Rule 41</b>	Admission to the senate.
<b>Rule 42</b>	Duties of committees.
<b>Rule 43</b>	Committee reports.
<b>Rule 44</b>	Committee reference.
<b>Rule 45</b>	Comparing enrolled and engrossed bills.
<b>Rule 46</b>	Rules in the committee of the whole.
<b>Rule 47</b>	Suspend rules for committee of the whole.
<b>Rule 48</b>	Formation of the committee of the whole.
<b>Rule 49</b>	Report of committee of the whole.
<b>Rule 50</b>	Messages received while committee of the whole sits.
<b>Rule 51</b>	Joint resolutions and memorials.
<b>Rule 52</b>	Senate concurrent resolutions.
<b>Rule 53</b>	Introduction of bills.
<b>Rule 54</b>	One subject in a bill.
<b>Rule 55</b>	Amendatory bills.
<b>Rule 56</b>	Reading of bills.
<b>Rule 57</b>	Scope and object of bill not to be changed.
<b>Rule 58</b>	No amendment by mere reference to title of act.
<b>Rule 59</b>	Bills committed for special amendment.
<b>Rule 60</b>	Appropriation bills budget.
<b>Rule 61</b>	Printing of bills.
<b>Rule 62</b>	Furnishing full file of bills.
<b>Rule 63</b>	Question of consideration.
<b>Rule 64</b>	Names on roll call.
<b>Rule 65</b>	Confirmation of gubernatorial appointees.

- Rule 66** Regulation of lobbyists.  
**Rule 67** Vote on free conference committee report.  
**Rule 68** Vote record of standing committees.  
**Rule 69** Reed's parliamentary rules.  
**Rule 70** Rules to apply for biennium.

### Duties of the President

**Rule 1.** The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. He may speak to points of order in preference to members, arising from his seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate. He shall, in open session, sign all acts, addresses and joint resolutions. He shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. In the absence of the president pro tem, he shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

He shall have charge of and see that all officers, attaches, and clerks perform their respective duties, and he shall have general control of the senate chamber and lobby.

### Committees—Appointment and Confirmation

**Rule 2.** The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate: PROVIDED, HOWEVER, That the appointment of the said conference, special, and joint committees shall be confirmed the senate.

In the event the senate shall refuse to confirm any such conference, special or joint committee or committees, such committee or committees shall be forthwith elected by the senate.

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

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

18. Ways and Means .....	20
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### **Election by Roll Call**

**Rule 3.** In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced. (See also Art. 2, Sec. 30, State Constitution.)

A senator having been absent during roll call may ask to have his name called: **PROVIDED**, He makes such request before the result of the roll call has been announced by the president.

### **Secretary, Sergeant at Arms, Employees**

**Rule 4.** The senate shall elect a secretary, and a sergeant at arms, who shall perform the usual duties pertaining to their offices, and they shall hold office until their successor has been elected. The secretary shall appoint, subject to the approval of the senate, all other senate employees; and the hours of duty and assignments of all senate employees shall be under his directions and instructions, and they may be dismissed by him at his discretion. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session year; or twenty days prior to any extraordinary session of the legislature.

### **Subordinate Officers**

**Rule 5.** The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services.

### **Restriction of Employment**

**Rule 6.** No senate employee shall lobby in favor of or against any matter under consideration.

### **President Pro Tem**

**Rule 7.** Upon the organization of the senate the members shall elect one of their number as president pro tem, who shall have all the powers and authority, and who shall discharge all the duties of the lieutenant governor, acting as president during the lieutenant governor's absence. The Senate shall also elect a vice president pro tem who will serve in the absence of the lieutenant governor and president pro tem.

### **Payment of Expenses**

**Rule 8.** All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the

same prior to the voucher being signed by the president and the secretary of the senate, authorizing the payment thereof.

The committee on facilities and operations shall issue postage only as follows:

(1) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(2) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

#### **Daily Convening Time**

**Rule 9.** The president shall call the senate to order each day of sitting at 11 o'clock a.m., unless the senate shall have adjourned to some other hour.

#### **Quorum**

**Rule 10.** A majority of all members elected to the senate shall be necessary to constitute a quorum to do business: PROVIDED, That less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

#### **Call of the Senate**

**Rule 11.** Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

#### **Order of Business**

**Rule 12.** After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials and joint resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials, resolutions and motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present. (See also Rule 42, Paragraph 4.)

#### **Business to be Announced**

**Rule 13.** The president shall, on each day, announce to the senate the business in order, agreeable to the preceding rule, and no business shall be taken up or considered, until the order to which it belongs shall be declared.

#### **Special Order**

**Rule 14.** The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote, and

any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

### **Unfinished Business**

**Rule 15.** The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

### **Rules of Debate**

**Rule 16.** When any senator is about to speak in debate, or submit any matter to the senate, he shall rise from his seat, and standing in his place, respectfully address himself to "Mr. President," and when recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished shall resume his seat. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question.

### **Motions—How Presented**

**Rule 17.** No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

### **SENATE RESOLUTIONS**

Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the fiftieth day of the session, senate floor resolutions automatically shall be referred to the committee on rules.

### **Recognition by the President**

**Rule 18.** When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

### **Priority of Business**

**Rule 19.** All questions relating to the priority of business shall be decided without debate.

### **Messages**

**Rule 20.** Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

### Precedence of Motions

**Rule 21.** When a motion has been made and seconded and stated by the chair the following motions are in order, in the rank named:

#### PRIVILEGED MOTIONS

Adjourn or recess  
 Reconsider  
 Demand for call of the senate  
 Demand for roll call  
 Demand for division  
 Question of privilege  
 Orders of the day

#### INCIDENTAL MOTIONS

Points of order and appeal  
 Method of consideration  
 Suspend the rules  
 Reading papers  
 Withdraw a motion  
 Division of a question

#### SUBSIDIARY MOTIONS

1st Rank: Question of Consideration  
 2nd Rank: To lay on the table  
 3rd Rank: For the previous question  
 4th Rank: To postpone to a day certain  
           To commit or recommit  
           To postpone indefinitely  
 5th Rank: To amend

No motion to postpone to a day certain, to commit, to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

### Opening and Closing Debate

**Rule 22.** The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

### Call for Division of a Question

**Rule 23.** Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

### Point of Order—Decision Appealable

**Rule 24.** Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

### Question of Privilege

**Rule 25.** Any senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries: PROVIDED, The president upon notice received may acknowledge the presence of any distinguished person or persons.

### Protests

**Rule 26.** Any senator or senators may protest against the action of the senate upon any question and have such protest entered upon the journal: PROVIDED, That such protest does not exceed 200 words. The senator protesting shall file his protest with the secretary of the senate within 48 hours following the action protested.

### Reading of Papers

**Rule 27.** When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies or reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution: PROVIDED, HOWEVER, That this shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

### Suspension of Rules

**Rule 28.** No standing rule or order of this senate shall be rescinded or changed without a majority vote of the members, and one days' notice of the motion thereof: PROVIDED, Adoption of permanent rules may be by simple majority without notice, and a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the senate may proceed accordingly.

### Suspension of Rules—Debate

**Rule 29.** Motion for suspension of the rules shall not be debatable, except, however, the mover of the motion may briefly explain the purpose of his motion and at the discretion of the president a rebuttal may be allowed.

### Previous Question

**Rule 30.** The previous question shall not be put unless demanded by three senators, whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

### **Reconsideration, How Taken**

**Rule 31.** After the final vote on any resolution or bill, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the fiftieth day of any session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

### **Yeas and Nays—When Must Be Taken**

**Rule 32.** The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rule 11.)

### **Tie Vote**

**Rule 33.** The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 22, State Constitution.)

### **Announcement of Vote**

**Rule 34.** The announcement of all votes shall be made by the president.

### **Motion to Adjourn**

**Rule 35.** Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

### **Decorum**

**Rule 36.** Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

### **Breach of Decorum**

**Rule 37.** In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

### Transgression of Rules

**Rule 38.** If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call him to order, and when a senator shall be so called to order he shall resume his seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when, if carried, he shall confine himself to the question under consideration.

### Absence of Senator Without Leave

**Rule 39.** No senator shall absent himself from the senate without leave, except in case of accident or sickness, and if any senator or officer shall absent himself his per diem shall not be allowed or paid him, and no senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

### Use of Senate Chambers

**Rule 40.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by facilities and operations committee when not in session.

### Admission to the Senate

**Rule 41.** The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the time the senate is not convened any person other than requested by a senator, the president or secretary of the senate, in writing, or when personally accompanied by a senator.

The sergeant at arms and doorkeepers shall not admit to the floor of the senate while convened, or one-half hour before convening and one-half hour after adjournment, any person other than a member of the senate, except:

The governor.

Members of the house of representatives.

State elective officers.

Former members of the senate and state chairmen of the two major political parties.

Officers and authorized employees of the senate.

Representatives of the press or other persons designated by name and holding cards of admission authorized by the rules committee and signed by the president: PROVIDED, That these courtesies shall be rescinded if the privilege is used for the purpose of lobbying when the senate is convened.

### Duties of Committees

**Rule 42.** The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

### DEFINITIONS

"Measure" means a bill, joint memorial, or joint resolution.

"Bill" when used alone means bill, joint memorial, or joint resolution.

## RULES COMMITTEE DAILY CALENDAR

The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

## RECALLING BILLS FROM COMMITTEES

Any standing committee of the senate may be relieved of further consideration of any bill by a majority vote of the members of the senate. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

## NOTICE

At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing: PROVIDED, That by a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

## COMMITTEE MEETINGS DURING SESSIONS

No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during the regular daily scheduled caucus.

## VOTING IN COMMITTEES

No vote in any standing committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

## OPEN MEETINGS OF STANDING COMMITTEES

During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the senate shall be open to the public: PROVIDED, HOWEVER, That in case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and/or may order the meeting closed to any person or persons creating such disturbance.

## QUORUM REQUIRED

Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing. A majority of any committee shall constitute a quorum.

## Committee Reports

**Rule 43.** Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, and shall be adopted at a

regularly or specially called meeting and shall be signed by a majority of the committee:

1. Do pass.
2. Do pass as amended.
3. Without recommendation.
4. Do not pass.
5. That the bill be referred to another committee.
6. That a substitute bill be substituted therefor, and the substitute bill do pass.
7. That the bill be indefinitely postponed.

#### MAJORITY REPORTS

A majority report of a committee must carry the signatures of a majority of the members of the committee.

#### MINORITY REPORTS

Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation and shall be signed by those members of the committee subscribing thereto.

#### FILING COMMITTEE REPORTS

Prior to the 50th day all reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

#### READING OF REPORTS

The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

#### BILLS REFERRED TO RULES COMMITTEE

All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rule 56, Paragraph 4.)

#### SUBSTITUTE BILLS

When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

#### Committee Reference

**Rule 44.** When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

- FIRST: The committee of the whole senate.  
 SECOND: A standing committee.  
 THIRD: A select committee.

#### Comparing Enrolled and Engrossed Bills

**Rule 45.** Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

### **Rules in the Committee of the Whole**

**Rule 46.** The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question or the motion to lay on the table shall not be ordered, nor the yeas and nays demanded, but the committee may limit the number of times that any member may speak at any stage of the proceedings during the sitting.

### **Suspend Rules for Committee of the Whole**

**Rule 47.** The senate may at any time, by the vote of the majority of the members present, suspend the rules and orders of the senate for the purpose of going into the committee of the whole for the consideration of any bill, memorial or resolution before the senate.

### **Formation of the Committee of the Whole**

**Rule 48.** In forming the committee of the whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the senate for action.

### **Report of Committee of the Whole**

**Rule 49.** A motion that the committee of the whole rise shall always be in order, and shall be decided without debate. (See also Senate Rule 60.)

### **Messages Received While Committee of the Whole Sits**

**Rule 50.** Messages may be received by the president while the committee of the whole is sitting; in which case the president shall resume the chair, receive the message, and vacate the chair, in favor of the chairman of the committee.

### **Joint Resolutions and Memorials**

**Rule 51.** Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

### **Senate Concurrent Resolutions**

**Rule 52.** Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call: **PROVIDED, HOWEVER,** That concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal.

### **Introduction of Bills**

**Rule 53.** All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Not more than three senators may sponsor a bill, except committee bills which shall be in accordance with the joint rules of the senate and house: **PROVIDED, HOWEVER,** That any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by three o'clock in the afternoon of the day before the convening of the session at which said bill,

joint resolution or joint memorial is to be introduced: **PROVIDED FURTHER**, That all bills to be considered by the senate during the regular session shall be on the request list of the code reviser by 5:00 p.m. on the twenty-ninth day and shall be read in under the proper order of business no later than the thirty-third legislative day.

After the fortieth day of the session no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session: **PROVIDED**, That the time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills.

Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any extraordinary session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day: **PROVIDED, HOWEVER**, That no bill, joint memorial or joint resolution shall be filed by title and/or preamble only. (See also Rule 4.)

#### **One Subject in a Bill**

**Rule 54.** No bill shall embrace more than one subject, and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

#### **Amendatory Bills**

**Rule 55.** Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

#### **Reading of Bills**

**Rule 56.** Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule: **PROVIDED, HOWEVER**, That after the 49th day of every regular session this rule may be suspended by a majority vote.

The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate standing committee.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 43, Sec. 6.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 43.

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

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

### COMMITTEE BILLS

Committee bills introduced by a standing committee may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

### SECOND READING

Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

### AMENDMENTS

No amendment shall be considered by the senate until it shall have been sent to the desk in writing and read by the secretary, and all amendments on the desk shall be read.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

### THIRD READING

Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate. (See also Rule 3.)

### Scope and Object of Bill Not to be Changed

**Rule 57.** No amendment to any bill shall be allowed which shall change the scope and object of the bill.

### HOUSE AMENDMENTS TO SENATE BILLS

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to appropriate committee and shall take the same course as for original bills.

### No Amendment by Mere Reference to Title of Act

**Rule 58.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

### Bills Committed for Special Amendment

**Rule 59.** A bill may be committed with special instructions to amend at any time before taking the final vote.

### **Appropriation Bills Budget**

**Rule 60.** Bills appropriating money shall be considered in committee of the whole senate, and no change in the amount appropriated shall be made outside of the committee of the whole.

No amendment to the general appropriation bill, commonly known as the budget, adding any new item, or items, thereto not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of two-thirds of the senators elected.

### **Printing of Bills**

**Rule 61.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

### **Furnishing Full File of Bills**

**Rule 62.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules: PROVIDED, HOWEVER, That the secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

### **Question of Consideration**

**Rule 63.** When the question of consideration has been raised as to any motion, resolution or amendment, it shall not be put until said motion, resolution or amendment has been read. The question of consideration shall be carried by a majority vote of the senators present: PROVIDED, HOWEVER, That the rule may be suspended by the majority of those senators present.

### **Names on Roll Call**

**Rule 64.** The order of names on the roll call shall be determined by the committee on rules.

### **Confirmation of Gubernatorial Appointees**

**Rule 65.** When the names of appointees to state offices are transmitted to the senate for confirmation, the communication from the governor shall be read in full and entered upon the journal.

The president of the senate shall, after the reading, refer the names of such appointees to the appropriate standing committees of the senate.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. (Article XIII State Constitution.)

### **Regulation of Lobbyists**

**Rule 66.** Any persons lobbying on legislation before the senate must register as a lobbyist under the provisions of chapter 42.17 RCW and shall be subject to the rules of the senate.

Any lobbyist not fully complying with the provisions of this rule is subject to having all lobbying privileges cancelled by the senate committee on rules.

#### **Vote on Free Conference Committee Report**

**Rule 67.** No floor vote may be taken on any free conference committee report within twenty-four hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the senate.

#### **Vote Record of Standing Committees**

**Rule 68.** On any vote in a standing committee one-sixth of the members of such committee may demand that the vote be recorded and filed with the secretary of the senate, who shall preserve such record for a period of four years.

#### **Reed's Parliamentary Rules**

**Rule 69.** The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

#### **Rules to Apply for Biennium**

**Rule 70.** The permanent senate rules adopted at the regular session shall govern any special session called during the same legislative biennium.

### **MOTION**

Senator Clarke moved adoption of the following amendment:

Amend the Senate Rules as follows:

On page 4, line 11, strike the stricken material on line 11 through line 15, and insert "In appointing the committee members to the hereinafter named standing committees, the president shall name members in the same ratio as the membership of the respective parties in the senate. Committee members will be selected by each party's caucus."

Debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators North, Jones, Wanamaker, Morrison, Quigg, Hayner, Lewis and Benitz.

### **ROLL CALL**

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Quigg, Scott, Sellar, Wanamaker—19.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—29.

Excused: Senator Keefe—1.

### **MOTION**

Senator Clarke moved adoption of the following amendment:

On page 15, line 2, amend Rule 34 as follows:

"RULE 34. The announcement of all votes shall be made by the president, and the announcement of the result of any vote shall (~~not be postponed~~) be made immediately."

Debate ensued.

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

### MOTION

Senator Morrison moved adoption of the following amendment:

Amend Rule 8 as follows:

#### "PAYMENT OF EXPENSES

RULE 8. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

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

The committee on facilities and operations shall issue postage only as follows:

(1) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(2) To the secretary of the senate in an amount sufficient to carry out the business of the senate."

### MOTION

On motion of Senator Walgren, all members were permitted as additional sponsors to the amendment by Senator Morrison.

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

### MOTION

The motion of Senator Walgren, the following amendment by Senators Walgren and Odegaard was adopted:

Amend Rule 2 as follows:

On page 4, line 22, strike "~~(7)~~6" and insert "7".

The motion by Senator Walgren carried and Senate Resolution No. 4, as amended, was adopted.

### PRESIDENT ANNOUNCED COMMITTEE ASSIGNMENTS

The President announced the following Senate Standing and Individual Committee assignments:

#### SENATE STANDING COMMITTEE ASSIGNMENTS — 1979

AGRICULTURE (6)—HANSEN, CHAIRMAN; Benitz, Day, Gaspard, Wanamaker, Wilson.

COMMERCE (5)—VAN HOLLEBEKE, CHAIRMAN; WOJAHN, VICE CHAIRMAN; Morrison, Quigg, Williams.

CONSTITUTION AND ELECTIONS (8)—WOODY, CHAIRMAN; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

ECOLOGY (7)—WILLIAMS, CHAIRMAN; Donohue, Goltz, Guess, Hansen, North, Scott.

- EDUCATION (7)—McDERMOTT, CHAIRMAN; GASPARD, VICE CHAIRMAN; Gould, Hayner, Morrison, Ridder, Talmadge.
- ENERGY AND UTILITIES (9)—BOTTIGER, CHAIRMAN; Benitz, Hayner, Lewis, Lysen, North, Williams, Wilson, Woody.
- FINANCIAL INSTITUTIONS AND INSURANCE (8)—BAUSCH, CHAIRMAN; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.
- HIGHER EDUCATION (7)—GOLTZ, CHAIRMAN; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.
- JUDICIARY (9)—MARSH, CHAIRMAN; TALMADGE, VICE CHAIRMAN; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.
- LABOR (7)—LYSEN, CHAIRMAN; VOGNILD, VICE CHAIRMAN; Matson, McDermott, Moore, Morrison, Sellar.
- LOCAL GOVERNMENT (9)—WILSON, CHAIRMAN; Bluechel, Fleming, Henry, Lee, Moore, North, Sellar, Talley.
- NATURAL RESOURCES (11)—PETERSON, CHAIRMAN; CONNER, VICE CHAIRMAN; Lee, Lysen, Newschwander, Odegaard, Pullen, Quigg, Rasmussen, Talley, Vognild.
- PARKS AND RECREATION (7)—von REICHBAUER, CHAIRMAN; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.
- RULES (14)—CHERBERG, CHAIRMAN; Clarke, Conner, Fleming, Gaspard, Keefe, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.
- SOCIAL AND HEALTH SERVICES (8)—DAY, CHAIRMAN; MOORE, VICE CHAIRMAN; Gould, Keefe, Pullen, Quigg, Talmadge, Vognild.
- STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; SHINPOCH, VICE CHAIRMAN; Day, Gallagher, Gould, McDermott, Wanamaker.
- TRANSPORTATION (13)—HENRY, CHAIRMAN; TALLEY, VICE CHAIRMAN; Bluechel, Conner, Gallagher, Guess, Hansen, Keefe, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.
- WAYS AND MEANS (20)—DONOHUE, CHAIRMAN; McDERMOTT, VICE CHAIRMAN; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Walgren, Wojahn.

#### SENATE INDIVIDUAL COMMITTEE ASSIGNMENTS — 1979

- BAUSCH, DEL—Financial Institutions and Insurance, Chairman; Parks and Recreation, Ways and Means.
- BENITZ, MAX E.—Agriculture, Energy and Utilities, Higher Education.
- BLUECHEL, ALAN—Financial Institutions and Insurance, Local Government, Transportation.
- BOTTIGER, R. TED—Energy and Utilities, Chairman; Constitutions and Elections, Judiciary.
- CLARKE, GEORGE—Financial Institutions and Insurance, Judiciary, Rules, Ways and Means.
- CONNER, PAUL—Natural Resources, Vice Chairman; Rules Transportation.
- DAY, WILLIAM S. "BILL"—Social and Health Services, Chairman; Agriculture, Financial Institutions and Insurance, State Government.
- DONOHUE, HUBERT F.—Ways and Means, Chairman; Ecology, Financial Institutions and Insurance.
- FLEMING, GEORGE—Local Government, Rules, Ways and Means.
- GALLAGHAN, ART—Judiciary, State Government, Transportation.
- GASPARD, MARCUS S.—Education, Vice Chairman; Agriculture, Rules, Ways and Means.

GOLTZ, H. A. "Barney"—Higher Education, Chairman; Ecology, Ways and Means.

GOULD, SUSAN E.—Education, Social and Health Services, State Government.

GUESS, SAM C.—Ecology, Higher Education, Rules, Transportation.

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

HAYNER, JEANNETTE—Constitution and Elections, Education, Energy and Utilities, Judiciary.

HENRY, AL—Transportation, Chairman; Constitution and Elections, Local Government.

JONES, JOHN D.—Financial Institutions and Insurance, Judiciary, Ways and Means.

KEEFE, JAMES E.—Rules, Social and Health Services, Transportation.

LEE, ELEANOR—Local Government, Natural Resources, Transportation.

LEWIS, R. H. "BOB"—Constitution and Elections, Energy and Utilities, Parks and Recreation.

LYSEN, KING—Labor, Chairman; Energy and Utilities, Natural Resources.

MARSH, DAN—Judiciary, Chairman; Constitution and Elections, Ways and Means.

MATSON, JIM—Labor, Rules, Ways and Means.

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

MOORE, RAY—Social and Health Services, Vice Chairman; Labor, Local Government.

MORRISON, SID W.—Commerce, Education, Labor, Ways and Means.

NEWSCHWANDER, CHARLES E.—Natural Resources, Rules, Ways and Means.

NORTH, LOIS—Ecology, Energy and Utilities, Local Government.

ODEGAARD, GARY M.—Higher Education, Natural Resources, Rules, Ways and Means.

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

PULLEN, KENT—Constitution and Elections, Natural Resources, Social and Health Services.

QUIGG, J. T.—Commerce, Natural Resources, Parks and Recreation, Social and Health Services.

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

RIDDER, RUTHE—Education, Rules, Ways and Means.

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

SELLAR, GEORGE L.—Labor, Local Government, Rules, Ways and Means.

SHINPOCH, A. N. "BUD"—State Government, Vice Chairman; Higher Education, Ways and Means.

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

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

VAN HOLLEBEKE, RAY—Commerce, Chairman, Judiciary, Transportation.

VOGNILD, LARRY—Labor, Vice Chairman; Natural Resources, Social and Health Services.

von REICHBAUER, PETER—Parks and Recreation, Chairman; Financial Institutions and Insurance, Higher Education, Transportation.

WALGREN, GORDON L.—Financial Institutions and Insurance, Rules, Ways and Means.

WANAMAKER, F. "PAT"—Agriculture, Parks and Recreation, State Government, Transportation.

WILLIAMS, AL—Ecology, Chairman; Commerce, Energy and Utilities.

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

WOJAHN, R. LORRAINE—Commerce, Vice Chairman; Parks and Recreation, Rules, Ways and Means.

WOODY, DIANNE H.—Constitution and Elections, Chairman; Energy and Utilities, Judiciary, Parks and Recreation.

#### MOTION

On motion of Senator Walgren, the committee assignments were confirmed.

#### MOTION

On motion of Senator Walgren, the Senate returned to the third order of business.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Dean Cole, appointed July 1, 1978, for a term ending at the pleasure of the Governor, succeeding Dr. Eugene Wiegman as Director of the Planning and Community Affairs Agency.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Louis R. Guzzo, appointed September 23, 1977, to serve at the pleasure of the Governor as State Historic Preservation Officer.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ecology.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Nicholas D. Lewis, appointed October 1, 1977, for a term ending coextensive with the term of the Governor, as Chairman of the Washington State Energy Facility Site Evaluation Council.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Energy and Utilities.

Office of the Governor, December 12, 1978.

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

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

Bob Mickelson, appointed January 12, 1978, for a term ending at the Governor's pleasure, succeeding Gary Strohmaier as Director of the Department of Agriculture.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Agriculture.

Office of the Governor, December 12, 1978.

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

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

Gerald Thompson, appointed July 1, 1978, for a term ending at the pleasure of the Governor, succeeding Dr. Harlan McNutt as Secretary of the Department of Social and Health Services.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Dr. Eugene Wiegman, appointed February 1, 1978, for a term ending at the pleasure of the Governor, succeeding Joseph E. Garcia as Commissioner of the Department of Employment Security.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

Office of the Governor, December 12, 1978.

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

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

Ms. Lea Jane Armstrong, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Constantine (Tony) Baruso, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Tony P. Borromeo, Jr., appointed April 4, 1978, for a term ending June 30, 1980, succeeding Philip Hayasaka as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Ray E. Corpuz, Jr., appointed April 4, 1978, for a term ending June 30, 1980 succeeding himself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Ms. Paula Frial, appointed April 4, 1978, for a term ending June 30, 1979 succeeding herself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Ms. Jeni Kay Fung, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Paul Shigemi Isaki, appointed April 4, 1978, for a term ending June 30, 1979, succeeding Amy Y. Wong as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Phoune Keomahavong, appointed April 4, 1978, for a term ending June 30, 1979, succeeding Mako Nakagawa as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Yoshio Kosai, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Robert B. Krisologo, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Mr. Taki Kubota, appointed April 4, 1978, for a term ending June 30, 1980, succeeding Mary Jean Buza as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Raymond T. Lew, appointed April 4, 1978, for a term ending June 30, 1979, succeeding Don Kazama as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Mr. Atonio P. Leatuavao Mailo, appointed April 4, 1978, for a term ending June 30, 1978, succeeding Dr. James W. Watanabe as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

James M. Mar, appointed April 4, 1978, for a term ending June 30, 1980, succeeding Duc Hong Duong as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Ms. Jo-Elaine Akemi Matsumoto, appointed April 4, 1978, for a term ending June 30, 1979, succeeding Doris L. Lock as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Russell Nakatsu, appointed April 4, 1978, for a term ending June 30, 1980, succeeding Nam Hi Knowles as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Tuyen Ngoc Pham, appointed April 4, 1978, for a term ending June 30, 1978, succeeding himself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Paul H. Shin, appointed April 4, 1978, for a term ending June 30 1979, succeeding himself as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

The Reverend John L. F. Slee, appointed April 4, 1978, for a term ending June 30, 1979, succeeding Gregory Ying-Niem Tsang as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Joe Tokunaga, appointed April 4, 1978, for a term ending June 30, 1979, succeeding Andy Pabo Pascua as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Cal Underhill, appointed April 4, 1978, for a term ending June 30, 1980, succeeding Dr. Barry Mar as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Professor H. T. Wong, appointed April 4, 1978, for a term ending June 30, 1980, succeeding Richard Doi as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Frank M. Cuta, appointed September 30, 1977, for a term ending September 30, 1980 as a member of the Commission for the Blind.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Edward S. Foscue, appointed September 30, 1977, for a term ending September 30, 1979 as a member of the Commission for the Blind.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN;

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

Luddy Martinson, appointed September 30, 1977, for a term ending September 30, 1980 as a member of the Commission for the Blind.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Irving S. Smith, reappointed November 16, 1978, for a term ending September 30, 1981, succeeding himself as a member of the Commission for the Blind.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Lori Swauger, appointed September 30, 1977, for a term ending September 30, 1979 as a member of the Commission for the Blind.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Carl Barr, appointed March 21, 1978, for a term ending July 1, 1979, succeeding Merlin Traylor as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Ms. Valeta R. Biggs, R.N., appointed March 21, 1978, for a term ending July 1, 1979, succeeding Zoe B. Lucke as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

William Clark, reappointed March 21, 1978, for a term ending July 1, 1978 as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Ms. Anna Mae Ericksen, R.N., reappointed March 21, 1978, for a term ending July 1, 1980, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Lowell D. Haugen, appointed March 21, 1978, for a term ending July 1, 1980, succeeding Rance Freeman as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Robert M. Johnson, appointed March 21, 1978, for a term ending July 1, 1979, succeeding Michael Olsen as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Ms. Sandra Levy, R.N., appointed March 21, 1978, for a term ending July 1, 1979 succeeding Dr. Frederic C. Helm as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Dr. M. Scott Linscott, Jr., appointed March 21, 1978, for a term ending July 1, 1978, succeeding Dr. Ray G. Farrell as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Dr. Marvin A. Wayne, appointed March 21, 1978, for a term ending July 1, 1979, succeeding Dr. William Henry as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Bob Smart, appointed April 28, 1978, for a term ending January 1, 1983, succeeding himself as a member of the Forest Practices Appeals Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Harold Walsh, appointed December 23, 1977, for a term ending July 1, 1983, succeeding Michael Donohue as a member of the Gambling Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Elgin E. Olrogg, reappointed July 27, 1978, for a term ending June 30, 1984, as a member of the Gambling Commission.

Sincerely,  
DIXY LEE RAY  
GOVERNOR.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Gary L. Jackson, appointed August 4, 1977, for a term ending January 15, 1979 succeeding Carl Carbon as a member of the Washington State Horse Racing Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Jon G. Bowman, reappointed July 17, 1977 for a term ending July 16, 1980, as a member of the Washington State Hospital Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Ludwig Lobe, reappointed July 17, 1977, to the Washington State Hospital Commission, for a term ending July 16, 1981 as a member of the Washington State Hospital Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Arch H. Logan, Jr., M.D., appointed July 22, 1977, for a term ending July 16, 1981 succeeding Arthur S. Biddle, M.D. as a member of the Washington State Hospital Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Sister Charlotte Van Dyke, appointed July 22, 1977, for a term ending July 16, 1980 succeeding Mr. Norman Ramsey as a member of the Washington State Hospital Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Ken Webster, appointed July 22, 1977, for a term ending July 16, 1981, succeeding Mr. John W. Colby as a member of the Washington State Hospital Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Ernest J. Aquilar, appointed October 11, 1977, for a term ending October 7, 1980, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Saul Arrington, appointed October 11, 1977, for a term ending October 7, 1980, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 1, 1978.

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

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

Franklin F. Cline, appointed October 11, 1977, for a term ending October 7, 1978, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

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

Mrs. Ruby Chow, appointed October 11, 1977, for a term ending October 7, 1979, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

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

Joe Haussler, appointed October 11, 1977, for a term ending October 7, 1980, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. C. J. Johnson, appointed October 11, 1977, for a term ending October 7, 1979, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Stanley P. Kersey, appointed October 11, 1977, for a term ending October 7, 1978, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Paul A. Klasen, Jr., appointed October 11, 1977, for a term ending October 7, 1978, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

James L. Young, appointed October 11, 1977, for a term ending October 7, 1979, as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Jeronimo Arroyo, appointed November 14, 1978, for a term ending June 30, 1981, succeeding Wayne Aragon as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Thomas Cerna, Jr., appointed February 21, 1978, for a term ending June 30, 1981, succeeding Guadalupe Zuniga as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Miguel Esquevel, appointed February 21, 1978, for a term ending June 30, 1979, succeeding Ray Baca as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Armando G. Garcia, appointed February 21, 1978, for a term ending June 30, 1979, succeeding Alfred Diaz as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

David C. Garcia, appointed February 21, 1978, for a term ending June 30, 1981, as a member of the Commission on Mexican-American Affairs.

sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Jaime R. Garza, appointed February 21, 1978, for a term ending June 30, 1981, succeeding Max Perez as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 1, 1978.

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

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

Pete Garza, appointed February 21, 1978, for a term ending June 30, 1979, succeeding Keo J. Capestany as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Arthur E. Hernandez, appointed June 28, 1978, for a term ending June 30, 1981, succeeding Ray Baca as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Roberto Lopez, appointed February 21, 1978, for a term ending June 30, 1979, succeeding Thomas Cerna as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Ms. Mary Marti, appointed February 21, 1978, for a term ending June 30, 1981, succeeding Leonardo Ruiz as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Margaret Zamudio, reappointed June 28, 1978, for a term ending June 30, 1979, succeeding herself as a member of the Commission on Mexican-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Taul Watanabe, appointed November 2, 1977, for a term ending January 4, 1979, succeeding Dave Stipek as a member of the State Personnel Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. B. A. Shearer, appointed December 27, 1977, for a term ending December 26, 1979 as a member of the Board of Pilotage Commissioners.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1979.

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

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

Jim Blackmore, appointed December 27, 1977, for a term ending December 26, 1980, as a member of the Board of Pilotage Commissioners.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Bert Holmes, appointed December 27, 1977, for a term ending December 26, 1980, as a member of the Board of Pilotage Commissioners.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Mel Stewart, appointed December 27, 1977, for a term ending December 26, 1980, as a member of the Board of Pilotage Commissioners.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

David A. Akana, appointed July 1, 1978, for a term ending June 30, 1984, succeeding William Gissberg as a member of the Pollution Control Hearings Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Ecology.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Phil Wittman, appointed April 26, 1978, for a term ending April 15, 1983, succeeding J. Franklin Johnson as a member of the Board of Prison Terms and Paroles.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

Fred Ross, appointed July 22, 1977, for a term ending December 31, 1980, succeeding Dr. Werner Quast as a member of the Public Disclosure Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Constitution and Elections.

Office of the Governor, December 12, 1978.

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

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

Milford F. Vanik, appointed July 11, 1978, for a term ending December 31, 1982, succeeding Alfred Harsch as a member of the Public Disclosure Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Constitution and Elections.

Office of the Governor, December 12, 1978.

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

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

Don E. Olson, Jr., appointed October 18, 1978, for a term ending September 8, 1983, succeeding Mr. Michael H. Beck as a member of the Public Employment Relations Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

Office of the Governor, December 12, 1978.

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

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

Anson Blaker, appointed December 19, 1977, for a term ending at the pleasure of the Governor as a member of the Public Employees' Retirement Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Justin Lee, appointed December 19, 1977, for a term ending at the pleasure of the Governor as a member of the Public Employees' Retirement Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Thomas H. Pendleton, appointed December 19, 1977, for a term ending at the pleasure of the Governor as a member of the Public Employees' Retirement Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

John D. Richmond, appointed December 19, 1977, for a term ending at the pleasure of the Governor as a member of the Public Employees' Retirement Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Ray Aardal, reappointed July 1, 1977, for a term ending July 1, 1983, as a member of the State Transportation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1978.

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

LADIES AND GENTLEMEN:

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

Vaughn Hubbard, appointed October 5, 1977, for a term ending June 30, 1982 as a member of the State Transportation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Robert Mikalson, appointed October 5, 1977, for a term ending June 30, 1983 as a member of the State Transportation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Richard Odabashian, reappointed July 1, 1978, for a term ending June 30, 1984, succeeding himself as a member of the State Transportation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, November 30, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Mary E. Hersey, appointed October 10, 1978, for a term ending July 1, 1983, succeeding Thomas Hyslop as a member of the Commission for Vocational Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Don Anderson, appointed December 12, 1977, for a term ending July 1, 1982, succeeding Floyd Sexton as a member of the Commission for Vocational Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Loren Calvin Davidson, appointed July 1, 1977, for a term ending July 1, 1983, succeeding himself as a member of the Higher Education Personnel Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Curtis J. Dalrymple, appointed March 15, 1978, for a term ending March 12, 1984, succeeding Mr. Paul B. Hanson as a member of the Board of Trustees, Western Washington University.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Ms. Jane B. Sylvester, appointed April 21, 1978, for a term ending March 12, 1984, succeeding Janet P. Holmes as a member of the Board of Trustees, The Evergreen State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Robert L. Flennaugh, appointed July 1, 1977, for a term ending June 30, 1983, succeeding Helen S. Thompson as a member of the Council on Postsecondary Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Zachary D. Lueck, reappointed July 1, 1978, for a term coextensive with his tenure as a student and not exceeding three years, succeeding himself as a member of the Council on Postsecondary Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Representative Phyllis Erickson, appointed May 5, 1978, for a term ending June 6, 1979, succeeding Patrick Callan as a member of the Western Interstate Commission for Higher Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Robert D. Larrabee, appointed August 5, 1977, for a term ending March 14, 1983, succeeding James R. Ellis as a member of the University of Washington Board of Regents.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.

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

LADIES AND GENTLEMEN:

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

Louis Soriano, reappointed May 15, 1978, for a term ending April 3, 1982, as a member of the State Board for Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Arthur Anderson, appointed November 21, 1977, for a term ending June 30, 1983, succeeding Walter Howe as a member of the Council for Postsecondary Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Wesley Berglund, appointed July 21, 1977, for a term ending March 8, 1982, succeeding Mr. Ray Meredith as a member of the Board of Trustees of The Evergreen State College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, November 30, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Dr. Frederick P. Thieme, appointed December 28, 1977, for a term ending June 9, 1981, succeeding Gordon Sandison as a member of the Western Interstate Commission for Higher Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, December 12, 1978.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Mayor Stanley P. Kersey, reappointed October 26, 1978, for a term ending October 7, 1981, succeeding himself as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

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

Franklin F. Cline, reappointed October 26, 1978, for a term ending October 7, 1981, succeeding himself as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

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

The Honorable Paul A. Klasen, Jr. reappointed October 26, 1978, for a term ending October 7, 1981, succeeding himself as a member of the Washington State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Tuyen Ngoc Pham, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

Mr. Atonio P. L. Mailo, reappointed June 26, 1978, for a term ending June 30, 1981, as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, December 12, 1978.

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

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

William M. Clark, reappointed September 11, 1978, for a term ending July 1, 1981, succeeding himself as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, December 12, 1978.

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

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

M. Scott Linscott, Jr., reappointed September 11, 1978, for a term ending July 1, 1981, succeeding himself as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2001, by Senators Rasmussen, Guess, Conner and Wojahn:

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381; and amending section 3, chapter 182, Laws of 1974 ex. sess. as amended by section 2, chapter 268, Laws of 1977 ex. sess. and RCW 84.36-.385; amending section 28, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38-.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2002, by Senator Talley:

AN ACT Relating to county commissioners; and amending section 36.32.050, chapter 4, Laws of 1963 and RCW 36.32.050.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2003, by Senators Van Hollebeke and Conner:

AN ACT Relating to the governor; amending section 43.01.010, chapter 8, Laws of 1965 and RCW 43.01.010; and creating a new section.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2004, by Senator Van Hollebeke:

AN ACT Relating to prison terms, paroles, and probation; amending section 9, chapter 340, Laws of 1955 as last amended by section 8, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.003; amending section 3, chapter 32, Laws of 1959 as amended by section 1, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW

9.95.007; and amending section 5, chapter 133, Laws of 1955 as last amended by section 2, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.040.

Referred to Judiciary Committee.

**SENATE BILL NO. 2005**, by Senators Van Hollebeke, Quigg, Conner, Woody and Wojahn:

**AN ACT** Relating to alcoholic beverages; and amending section 2, chapter 13, Laws of 1970 ex. sess. as last amended by section 4, chapter 219, Laws of 1977 ex. sess. and RCW 66.24.420.

Referred to Committee on Commerce.

**SENATE BILL NO. 2006**, by Senators Van Hollebeke and Quigg:

**AN ACT** Relating to courts of limited jurisdiction; amending section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020; and amending section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020.

Referred to Judiciary Committee.

**SENATE BILL NO. 2007**, by Senators Van Hollebeke and Quigg:

**AN ACT** Relating to small claims; and amending section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40-.010.

Referred to Judiciary Committee.

**SENATE BILL NO. 2008**, by Senator Van Hollebeke:

**AN ACT** Relating to jury selection in justice court; and amending section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050.

Referred to Judiciary Committee.

**SENATE BILL NO. 2009**, by Senators Lewis and Conner:

**AN ACT** Relating to property taxes; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2010**, by Senator Bluechel:

**AN ACT** Relating to housing authorities; amending section 35.82.020, chapter 7, Laws of 1965 as amended by section 1, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.020; amending section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030; and amending section 35.82.090, chapter 7, Laws of 1965 as amended by section 4, chapter 274, Laws of 1977 ex. sess. and RCW 35.82.090.

Referred to Committee on Local Government.

**SENATE BILL NO. 2011**, by Senators Rasmussen and Conner:

**AN ACT** Relating to labor relations; enacting a state labor-management relations act; amending section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150; amending section 1, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.005; amending section 1, chapter 5, Laws of 1975 2nd ex. sess. and RCW 41.58.010; amending section 2, chapter 5, Laws of 1975 2nd ex. sess. as amended by section 91, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.015; amending section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020; amending section 7, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.050; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2012, by Senators Rasmussen and Conner:

AN ACT Relating to courts; amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36-.150; and amending section 1, chapter ... (House Bill No. ...), Laws of 1979 and RCW 35.20.090.

Referred to Judiciary Committee.

SENATE BILL NO. 2013, by Senators Rasmussen, Talley and Conner:

AN ACT Relating to child pornography; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2014, by Senator Rasmussen:

AN ACT Relating to solar energy; and adding a new chapter to Title 64 RCW. Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2015, by Senator Talley:

AN ACT Relating to the naming of a state dance; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2016, by Senator Rasmussen:

AN ACT Relating to motor vehicles; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2017, by Senator Rasmussen:

AN ACT Relating to counties; amending section 36.32.010, chapter 4, Laws of 1963 and RCW 36.32.010; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2018, by Senators Rasmussen, Talley and von Reichbauer:

AN ACT Relating to contracts; and adding a new chapter to Title 19 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2019, by Senator Rasmussen:

AN ACT Relating to court reporters; and amending section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180.

Referred to Judiciary Committee.

SENATE BILL NO. 2020, by Senator Matson:

AN ACT Relating to birth certificates; amending section 1, chapter 133, Laws of 1939 as last amended by section 40, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.210; and amending section 12, chapter 291, Laws of 1955 and RCW 26.32.120.

Referred to Judiciary Committee.

SENATE BILL NO. 2021, by Senators Hayner and Guess:

AN ACT Relating to correctional institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 43, Laws of 1977 ex. sess. and RCW 9.94.040; adding new sections to chapter 9.94 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2022, by Senator Hayner:

AN ACT Relating to manufacturer's premium coupons; and amending section 3, chapter 221, Laws of 1957 as amended by section 1, chapter 104, Laws of 1972 ex. sess. and RCW 19.83.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2023, by Senators Donohue, McDermott and Odegaard:

AN ACT Relating to certain personnel system appeals; creating a personnel appeals board and setting out its powers and duties; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 8, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.100; amending section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; amending section 2, chapter 6, Laws of 1977 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.150; amending section 17, chapter 1, Laws of 1961 as amended by section 3, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.170; creating new sections; adding new sections as a new chapter in Title 41 RCW; repealing section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; repealing section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; repealing section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; repealing section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971 and RCW 28B.16.160; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; repealing section 4, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.125; repealing section 18, chapter 1, Laws of 1961 and RCW 41.06.180; repealing section 19, chapter 1, Laws of 1961 and RCW 41.06.190; repealing section 20, chapter 1, Laws of 1961, section 25, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.200; and repealing section 21, chapter 1, Laws of 1961, section 101, chapter 81, Laws of 1971 and RCW 41.06.210.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2024, by Senators Donohue, Matson, Odegaard, Scott and Conner:

AN ACT Relating to revenue and taxation; amending section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065; amending section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010; amending section 24, chapter 288, Laws of 1971 ex. sess. as amended by section 109, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.55.050; adding a new section to chapter 43.09 RCW; adding new sections to chapter 84.55 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2025, by Senators Donohue, Scott, Odegaard, Conner and Walgren:

AN ACT Relating to state government; amending section 43.88.130, chapter 8, Laws of 1965 and RCW 43.88.130; and amending section 43.82.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1969 and RCW 43.82.010.

Referred to Committee on State Government.

SENATE BILL NO. 2026, by Senators Donohue, Matson, Odegaard, Scott and McDermott:

AN ACT Relating to public transportation; and amending section 6, chapter 44, Laws of 1977 ex. sess. and RCW 35.58.2712.

Referred to Committee on Transportation.

SENATE BILL NO. 2027, by Senator Matson:

AN ACT Relating to land development; amending section 2, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.020; amending section 3, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.030; and amending section 4, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.040.

Referred to Committee on State Government.

SENATE BILL NO. 2028, by Senators Rasmussen and Walgren:

AN ACT Relating to police telephone communications in emergency hostage situations; adding new sections to chapter 70.85 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2029, by Senators Shinpoch and Bausch:

AN ACT Relating to automobile insurance; amending section 20, chapter 241, Laws of 1969 ex. sess. as amended by section 3, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.18.292; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2030, by Senator Shinpoch:

AN ACT Relating to accounting for public employees' sick leave; and adding new sections to chapter 41.48 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2031, by Senators Rasmussen, Newschwander, Clarke, Odegaard and Conner (by Legislative Budget Committee request):

AN ACT Relating to state government; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; amending section 43.79.280, chapter 8, Laws of 1965 as amended by section 3, chapter 144, Laws of 1973 and RCW 43.79.280; amending section 4, chapter 144, Laws of 1973 and RCW 43.79.282; adding a new section to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2032, by Senators Rasmussen, Newschwander, Clarke and Conner (by Legislative Budget Committee request):

AN ACT Relating to motor vehicles; adding new sections to chapter 46.82 RCW; repealing section 46.82.010, chapter 12, Laws of 1961, section 106, chapter 32, Laws of 1967 and RCW 46.82.010; repealing section 46.82.020, chapter 12, Laws of 1961 and RCW 46.82.020; repealing section 46.82.030, chapter 12, Laws of 1961 and RCW 46.82.030; repealing section 46.82.040, chapter 12, Laws of 1961 and RCW 46.82.040; repealing section 46.82.050, chapter 12, Laws of 1961 and RCW 46.82.050; repealing section 46.82.060, chapter 12, Laws of 1961, section 4, chapter 214, Laws of 1961, section 107, chapter 32, Laws of 1967 and RCW 46.82.060; repealing section 46.82.070, chapter 12, Laws of 1961, section 2, chapter 214, Laws of 1961, section 108, chapter 32, Laws of 1967 and RCW 46.82.070; repealing section 46.82.080, chapter 12, Laws of 1961 and RCW 46.82.080; repealing section 46.82.090, chapter 12, Laws of 1961, section 109, chapter 32, Laws of 1967 and RCW 46.82.090; repealing section 46.82.100, chapter 12, Laws of 1961 and RCW 46.82.100; repealing section 46.82.110, chapter 12, Laws of 1961 and RCW 46.82.110; repealing section 46.82.120, chapter 12, Laws of 1961, section 110, chapter 32, Laws of 1967 and RCW 46.82.120; repealing section 46.82.130, chapter 12, Laws of 1961 and RCW 46.82.130; repealing section 46.82.140, chapter 12, Laws of 1961,

section 48, chapter 170, Laws of 1965 ex. sess., section 136, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 46.82.140; repealing section 46.82.150, chapter 12, Laws of 1961 and RCW 46.82.150; repealing section 46.82.160, chapter 12, Laws of 1961 and RCW 46.82.160; repealing section 46.82.170, chapter 12, Laws of 1961 and RCW 46.82.170; repealing section 46.82.180, chapter 12, Laws of 1961, section 3, chapter 214, Laws of 1961 and RCW 46.82.180; repealing section 46.82.190, chapter 12, Laws of 1961, section 111, chapter 32, Laws of 1967 and RCW 46.82.190; repealing section 46.82.200, chapter 12, Laws of 1961 and RCW 46.82.200; repealing section 46.82.210, chapter 12, Laws of 1961, section 112, chapter 32, Laws of 1967 and RCW 46.82.210; repealing section 46.82.220, chapter 12, Laws of 1961 and RCW 46.82.220; repealing section 46.82.230, chapter 12, Laws of 1961 and RCW 46.82.230; repealing section 46.82.240, chapter 12, Laws of 1961 and RCW 46.82.240; repealing section 46.82.250, chapter 12, Laws of 1961 and RCW 46.82.250; repealing section 46.82.260, chapter 12, Laws of 1961 and RCW 46.82.260; repealing section 46.82.270, chapter 12, Laws of 1961 and RCW 46.82.270; and prescribing penalties.

Referred to Committee on Commerce.

**SENATE BILL NO. 2033**, by Senators Rasmussen, Bluechel, Newschwander and Conner (by Legislative Budget Committee request):

AN ACT Relating to the duties of the state purchasing and material control director's powers and duties; amending section 3, chapter 32, Laws of 1969 as last amended by section 4, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.190; amending section 43.19.1904, chapter 8, Laws of 1965 as last amended by section 4, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1904; amending section 43.19.1917, chapter 8, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1917; and repealing section 6, chapter 104, Laws of 1967 ex. sess., section 10, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1918.

Referred to Committee on State Government.

**SENATE BILL NO. 2034**, by Senators Rasmussen, Odegaard, Clarke and Conner (by Legislative Budget Committee request):

AN ACT Relating to Washington State University; and repealing sections 28B.30.370, 28B.30.375 and 28B.30.380, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.370, 28B.30.375 and 28B.30.380.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2035**, by Senators Clarke, Newschwander, Bluechel, Scott, North and Conner (by Legislative Budget Committee request):

AN ACT Relating to public employment; providing for merit system principles in personnel administration; adding a new section to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

**SENATE BILL NO. 2036**, by Senators Bluechel, Clarke, Odegaard, Newschwander, Scott, North, Conner and Lee (by Legislative Budget Committee request):

AN ACT Relating to child welfare services; and amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031.

Referred to Judiciary Committee.

**SENATE BILL NO. 2037, by Senator Conner:**

AN ACT Relating to public transportation; and amending section 82.36.275, chapter 15, Laws of 1961 as last amended by section 27, chapter 281, Laws of 1969 ex. sess. and RCW 82.36.275.

Referred to Committee on Transportation.

**SENATE BILL NO. 2038, by Senator Conner:**

AN ACT Relating to revenue and taxation; amending section 2, chapter 10, Laws of 1967 ex. sess. as amended by section 2, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.020; amending section 3, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.030; amending section 4, chapter 10, Laws of 1967 ex. sess. as amended by section 3, chapter 254, Laws of 1969 ex. sess. and RCW 82.42.040; amending section 7, chapter 10, Laws of 1967 ex. sess. as amended by section 4, chapter 156, Laws of 1971 ex. sess. and RCW 82.42.070; amending section 8, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.080; amending section 9, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.090; and amending section 5, chapter 156, Laws of 1971 ex. sess. and RCW 82.42.110.

Referred to Committee on Transportation.

**SENATE BILL NO. 2039, by Senator Rasmussen:**

AN ACT Relating to probate law and procedure; and adding a new chapter to Title 11 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO. 2040, by Senators Rasmussen and Conner:**

AN ACT Relating to disabled persons; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; amending section 2, chapter 128, Laws of 1961 as last amended by section 2, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.580; and prescribing penalties.

Referred to Committee on Transportation.

**SENATE BILL NO. 2041, by Senator Rasmussen:**

AN ACT Relating to size, weight, and load of motor vehicles; amending section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2042, by Senators McDermott and Conner:**

AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2043, by Senator Talmadge:**

AN ACT Relating to civil actions; amending section 1, chapter 84, Laws of 1973 and RCW 4.84.250; amending section 4, chapter 84, Laws of 1973 and RCW 4.84.280; amending section 6, chapter 84, Laws of 1973 and RCW 4.84.300; and adding a new section to chapter 84, Laws of 1973 and to chapter 4.84 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO. 2044, by Senators Lewis, Talley and Conner:**

AN ACT Relating to gambling; and amending and reenacting section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 165, Laws of 1977 ex. sess. and by section 2, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.030.

Referred to Committee on Commerce.

**SENATE BILL NO. 2045, by Senators Peterson and Conner:**

**AN ACT** Relating to food fish; and amending section 1, chapter 90, Laws of 1969 as last amended by section 5, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.095.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2046, by Senators Goltz and North:**

**AN ACT** Relating to mental illness; amending section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05-.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230; amending section 29, chapter 142, Laws of 1973 1st ex. sess. as amended by section 16, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.240; amending section 30, chapter 142, Laws of 1973 1st ex. sess. as amended by section 17, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.250; amending section 31, chapter 142, Laws of 1973 1st ex. sess. as amended by section 18, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.260; amending section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.280; and amending section 34, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.290.

Referred to Judiciary Committee.

**SENATE BILL NO. 2047, by Senators Goltz and Conner:**

**AN ACT** Relating to motor vehicles; adding a new section to chapter 46.08 RCW; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 2048, by Senator Goltz:**

**AN ACT** Relating to motor vehicles; and amending section 4, chapter 16, Laws of 1963 as last amended by section 36, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.415.

Referred to Judiciary Committee.

**SENATE BILL NO. 2049, by Senator Talley:**

**AN ACT** Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381; amending section 26, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.010; amending section 27, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.020; amending section 28, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.030; amending section 30, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.050; and amending section 35, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.100.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2050, by Senators Talley and Conner:**

**AN ACT** Relating to the teachers' retirement system; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.260; and amending section 13, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.810.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2051, by Senator Talley:

AN ACT Relating to the public employees' retirement system; amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170; and amending section 12, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.710.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2052, by Senator Talley:

AN ACT Relating to elected officials; adding a new section to chapter 42.20 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2053, by Senator Bluechel:

AN ACT Relating to park and recreation districts; and adding new sections to chapter 36.69 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2054, by Senators Talley, Conner and Lee:

AN ACT Relating to lost and found property; adding new sections to chapter 63.20 RCW; adding a new section to chapter 63.32 RCW; adding a new section to chapter 63.36 RCW; adding a new section to chapter 63.40 RCW; repealing section 3266, code of 1881 and RCW 63.20.010; repealing section 3270, code of 1881 and RCW 63.20.020; repealing section 3267, code of 1881 and RCW 63.20.030; repealing section 3268, code of 1881 and RCW 63.20.040; and repealing section 3269, code of 1881 and RCW 63.20.050.

Referred to Judiciary Committee.

SENATE BILL NO. 2055, by Senators Odegaard and Gould:

AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2056, by Senators Odegaard, Lewis and Conner:

AN ACT Relating to financial responsibility; amending section 19, chapter 156, Laws of 1965 and RCW 46.01.190; amending section 46.12.190, chapter 12, Laws of 1961 and RCW 46.12.190; amending section 2, chapter 170, Laws of 1969 ex. sess. as amended by section 15, chapter 25, Laws of 1975 and RCW 46.16.040; amending section 46.16.047, chapter 12, Laws of 1961 and RCW 46.16.047; amending section 1, chapter 8, Laws of 1977 and RCW 46.16.210; amending section 46.16.260, chapter 12, Laws of 1961 as last amended by section 11, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.260; amending section 2, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.021; amending section 3, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.025; amending section 4, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 162, Laws of 1977 ex. sess. and RCW 46.20.031; amending section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190; amending section 24, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.285; amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090; amending section 49, chapter 169, Laws of 1963 as amended by section 4, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.490; adding a new section to chapter 46.08 RCW; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2057, by Senators Odegaard and Conner:

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

**SENATE BILL NO. 2058**, by Senators Peterson, Donohue, Benitz and Conner (by Department of Natural Resources request):

**AN ACT** Relating to public lands; amending section 9, chapter 255, Laws of 1927 and RCW 79.01.036; amending section 22, chapter 255, Laws of 1927 as last amended by section 4, chapter 163, Laws of 1967 and RCW 79.01.088; amending section 23, chapter 255, Laws of 1927 as last amended by section 3, chapter 78, Laws of 1967 ex. sess. and RCW 79.01.092; amending section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 200, Laws of 1971 ex. sess. and RCW 79.01.096; amending section 34, chapter 255, Laws of 1927 as amended by section 14, chapter 257, Laws of 1959 and RCW 79.01.136; amending section 35, chapter 255, Laws of 1927 and RCW 79.01.140; amending section 36, chapter 255, Laws of 1927 and RCW 79.01.144; amending section 37, chapter 255, Laws of 1927 as amended by section 1, chapter 57, Laws of 1935 and RCW 79.01.148; amending section 59, chapter 255, Laws of 1927 as last amended by section 27, chapter 257, Laws of 1959 and RCW 79.01.236; amending section 61, chapter 255, Laws of 1927 as last amended by section 1, chapter 46, Laws of 1969 ex. sess. and RCW 79.01.244; amending section 62, chapter 255, Laws of 1927 and RCW 79.01.248; amending section 63, chapter 255, Laws of 1927 and RCW 79.01.252; amending section 64, chapter 255, Laws of 1927 and RCW 79.01.256; amending section 65, chapter 255, Laws of 1927 and RCW 79.01.260; amending section 66, chapter 255, Laws of 1927 and RCW 79.01.264; amending section 67, chapter 255, Laws of 1927 as amended by section 1, chapter 139, Laws of 1933 and RCW 79.01.268; amending section 190, chapter 255, Laws of 1927 as amended by section 1, chapter 153, Laws of 1959 and RCW 79.01.720; amending section 191, chapter 255, Laws of 1927 and RCW 79.01.724; amending section 1, chapter 203, Laws of 1949 as amended by section 10, chapter 73, Laws of 1961 and RCW 79.12.570; amending section 2, chapter 324, Laws of 1955 and RCW 79.28.080; adding new sections to chapter 255, Laws of 1927 and to chapter 79.01 RCW; repealing section 68, chapter 255, Laws of 1927, section 30, chapter 257, Laws of 1959 and RCW 79.01.272; repealing section 69, chapter 255, Laws of 1927, section 31, chapter 257, Laws of 1959 and RCW 79.01.276; repealing section 70, chapter 255, Laws of 1927 and RCW 79.01.280; repealing section 72, chapter 255, Laws of 1927, section 33, chapter 257, Laws of 1959 and RCW 79.01.288; repealing section 2, chapter 203, Laws of 1949 and RCW 79.12.580; repealing section 3, chapter 203, Laws of 1949 and RCW 79.12.590; repealing section 3, chapter 85, Laws of 1923 and RCW 79.28.060; and providing an effective date.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2059**, by Senators Hansen and Conner:

**AN ACT** Relating to the distribution of fuel tax revenues to counties; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 42, chapter 151, Laws of 1977 ex. sess. and RCW 46.68.120; amending section 46.68.080, chapter 12, Laws of 1961 and RCW 46.68.080; amending section 1, chapter 21, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 51, Laws of 1977 and RCW 47.56.725; adding new sections to chapter 46.68 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2060**, by Senator Hansen:

**AN ACT** Relating to vital statistics; amending section 43.20.090, chapter 8, Laws of 1965 as last amended by section 36, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 43.20.090; amending section 2, chapter 83, Laws of 1907 as last amended by section 4, chapter 106, Laws of 1951 and RCW 70.58.010; and amending section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2061, by Senator Rasmussen:

AN ACT Relating to sewage, water, and drainage systems; amending section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230; and amending section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240.

Referred to Committee on Local Government.

SENATE BILL NO. 2062, by Senators Jones, Fleming, North, Morrison and Conner:

AN ACT Relating to performing and visual arts center facilities; amending section 5, chapter 236, Laws of 1967 as amended by section 1, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.120; amending section 6, chapter 236, Laws of 1967 as amended by section 2, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.130; amending section 9, chapter 236, Laws of 1967 as amended by section 3, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.160; amending section 10, chapter 236, Laws of 1967 as amended by section 4, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.170; and amending section 14, chapter 236, Laws of 1967 as last amended by section 6, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.210.

Referred to Committee on Local Government.

SENATE BILL NO. 2063, by Senator Lewis:

AN ACT Relating to local government; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.11 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2064, by Senator Talley:

AN ACT Relating to the election of county commissioners; and amending section 36.32.050, chapter 4, Laws of 1963 and RCW 36.32.050.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2065, by Senators Conner, Guess and Henry (by Joint Legislative Transportation Committee request):

AN ACT Relating to urban arterial bonds; amending section 14, chapter 83, Laws of 1967 ex. sess. as amended by section 22, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.080; reenacting and amending section 45, chapter 83, Laws of 1967 ex. sess. as last amended by section 18, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.420; amending section 46, chapter 83, Laws of 1967 ex. sess. as amended by section 5, chapter 169, Laws of 1973 1st ex. sess. and RCW 47.26.421; amending section 47, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.422; amending section 48, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.423; amending section 49, chapter 83, Laws of 1967 ex. sess. as last amended by section 19, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.424; amending section 51, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.426; amending section 52, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.427; adding new sections to chapter 47.26 RCW and directing their codification; creating new sections; repealing section 21, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.4251; and declaring an emergency.

Referred to Committee on Transportation.

SENATE JOINT MEMORIAL NO. 101, by Senators Donohue, Matson, Odegaard, Wilson, North, Conner, Pullen, Lewis and Vognild:

Requesting that Congress enact balanced budgets.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 101, by Senators Donohue, Matson, Odegaard, Scott, Gaspard, Conner, Walgren, Marsh and Lee:

Amending the Constitution to allow property tax relief.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 102, By Senator Van Hollebeke:

Providing for the governor's term to begin on the second Monday of December.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 103, by Senators Scott, Donohue and Conner:

Limiting the state debt.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 104, by Senator Bluechel:

Permitting local governmental units to aid the aged.

Referred to Committee on Local Government.

SENATE JOINT RESOLUTION NO. 105, by Senator Rasmussen:

Limiting expenditures.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 106, by Senator Talmadge:

Calling for repeal of various provisions of the state Constitution and creating a new legislative article.

Referred to Committee on Constitution and Elections.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2001, 2005, 2024, 2025, 2026, 2031, 2032, 2033, 2034, 2035, 2036, 2058, 2062; SJM 101, SJR 101, SCR 101, 102.

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 102, By Senators Walgren, Odegaard, Matson and Newschwander:

Establishing cut-off dates for introduction and consideration of legislation during the forty-sixth regular legislative session.

### MOTIONS

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

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 102 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

### MOTION

At 4:32 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Tuesday, January 9, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 9, 1979.

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

The Color Guard, consisting of Pages Patrick Stonedahl and Lee Ann Witters, presented the Colors. Father Herbert Pins of St. Michael's Church of Olympia, offered the following prayer:

"LORD GOD, YOU ARE THE SOURCE OF ALL WISDOM AND COUNSEL. WE TURN TO YOU RELYING ON YOUR CONSTANCY AND UNENDING PROVIDENTIAL CARE. AS OUR LABORS AND CONCERNS BECOME MORE SERIOUS AND WEIGHTY, IMBUE US WITH GREATER WISDOM, GREATER PATIENCE, AND PERSERVERENCE. MOST OF ALL, WE PRAY FOR THE DISCERNMENT OF YOUR TRUTH IN THESE CONCERNS.

"REMEMBERING THE WORDS OF PAUL THE APOSTLE IN 2 THESSALONIANS 2: 16 and 17 — 'MAY OUR LORD JESUS CHRIST HIMSELF, AND GOD OUR FATHER WHO HAS GIVEN HIS LOVE AND, THROUGH HIS GRACE, SUCH SURE HOPE, COMFORT YOU AND STRENGTHEN YOU IN EVERYTHING GOOD THAT YOU DO OR SAY.'

"I CALL UPON THE LORD GOD TO BLESS AND STRENGTHEN THE EFFORTS OF THIS SENATE SESSION ON THIS DAY, ALWAYS ASKING FOR SUCH BLESSING 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.

### REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Honored members of the Senate, ladies and gentlemen, prior to the opening of business today, the President should like your permission to exercise the privilege of calling your attention to the fact that forty years ago, less possibly an hour and a half, the Honorable Edward J. "Freshwater" Riley of Spokane, Washington, rose on the floor of the House of Representatives and placed in nomination the name of the Honorable John M. Sylvester for Speaker of the House of Representatives. Subsequent action proved that the Honorable Mr. Sylvester was elected Speaker as the youngest man in the history of the State of Washington to serve in that distinguished and honorable capacity. The President should like to call your attention to his presence. Mr. Sylvester will you please stand in order that the members may properly recognize you."

## MESSAGE FROM THE HOUSE

January 8, 1979.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 101, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2066, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

AN ACT Relating to the taxation of travel trailers and campers; amending section 55, chapter 299, Laws of 1971 ex. sess. as amended by section 15, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.400; amending section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 16, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.410; amending section 61, chapter 299, Laws of 1971 ex. sess. as amended by section 17, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.50.460; amending section 67, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.520; repealing section 60, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.450; repealing section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470; repealing section 3, chapter 9, Laws of 1975 1st ex. sess. and RCW 82.50.471; repealing section 63, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.480; repealing section 64, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.490; and repealing section 65, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.500.

Referred to Committee on Transportation.

SENATE BILL NO. 2067, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

AN ACT Relating to motor vehicles; amending section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 46.20.070, chapter 12, Laws of 1961 as last amended by section 9, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.070; amending section 46.20.102, chapter 12, Laws of 1961 as last amended by section 2, chapter 167, Laws of 1967 and RCW 46.20.102; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.120; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270; amending section 9, chapter 167, Laws of 1967 and RCW 46.20.292; amending section 10, chapter 167, Laws of 1967 as last amended by section 2, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.293; amending section 29, chapter 121, Laws of 1965 ex. sess. as last amended by section 88, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.322; amending section 35, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.328; amending section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380; amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391; amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390; and repealing section 4, chapter 1, Laws of 1969 and RCW 46.20.092.

Referred to Committee on Transportation.

SENATE BILL NO. 2068, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

AN ACT Relating to habitual traffic offenders; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 8, chapter 284, Laws

of 1971 ex. sess. as amended by section 1, chapter 83, Laws of 1973 1st ex. sess. and RCW 46.65.060; amending section 9, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.070; amending section 11, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 138, Laws of 1977 ex. sess. and RCW 46.65.090; amending section 46.04.480, chapter 12, Laws of 1961 and RCW 46.04.480; adding a new section to chapter 284, Laws of 1971 ex. sess. and to chapter 46.65 RCW; repealing section 6, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.040; repealing section 7, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.050; and repealing section 13, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.110.

Referred to Judiciary Committee.

**SENATE BILL NO. 2069**, by Senators Henry, Wanamaker, Conner and Guess (by Department of Licensing request):

AN ACT Relating to motor vehicles; and amending section 46.68.010, chapter 12, Laws of 1961 as amended by section 73, chapter 32, Laws of 1967 and RCW 46.68.010.

Referred to Committee on Transportation.

**SENATE BILL NO. 2070**, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

AN ACT Relating to unfair business practices; amending section 12, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.102; amending section 7, chapter 110, Laws of 1971 ex. sess. and RCW 46.79.070; amending section 46.80.100, chapter 12, Laws of 1961 as last amended by section 8, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.100; and amending section 46.80.110, chapter 12, Laws of 1961 as last amended by section 9, chapter 253, Laws of 1977 ex. sess. and RCW 46.80.110.

Referred to Committee on Transportation.

**SENATE BILL NO. 2071**, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

AN ACT Relating to motor vehicle dealers' and salespersons' licenses; and amending section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061.

Referred to Committee on Transportation.

**SENATE BILL NO. 2072**, by Senators Goltz, Wilson, Walgren, Lee, Benitz, Morrison, Hayner, Lewis and Bluechel:

AN ACT Relating to industrial insurance; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 323, Laws of 1977 ex. sess. and RCW 51.12.020; reenacting and amending section 51.32.030, chapter 23, Laws of 1961 as amended by section 14, chapter 323, Laws of 1977 ex. sess. and by section 40, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.030; and declaring an emergency.

Referred to Committee on Labor.

**SENATE BILL NO. 2073**, by Senators Henry, Hansen, Wanamaker and Guess:

AN ACT Relating to motor vehicles; amending section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100; amending section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120; amending section 46.48.026, chapter 12, Laws of 1961 and RCW 46.61.465; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 2074, by Senators Hansen and Donohue:

AN ACT Relating to community colleges; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; providing penalties; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2075, by Senators Hansen, Donohue and Guess:

AN ACT Relating to civil procedure; amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 358, Laws of 1977 ex. sess. and RCW 90.58.140; adding new sections to chapter 4.24 RCW; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 2076, by Senators Pullen, Hayner, Gaspard, Wojahn and Van Hollebeke:

AN ACT Relating to educational service districts; and amending section 11, chapter 282, Laws of 1971 ex. sess. as amended by section 16, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.086.

Referred to Committee on Education.

SENATE BILL NO. 2077, by Senators Gaspard, Benitz, North, Woody, Williams and Fleming:

AN ACT Relating to utility rates; and adding a new section to chapter 74.38 RCW.

Referred to Committee on Energy and Utilities.

#### MOTION

On motion of Senator Walgren, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2069, 2072, 2073, 2076, 2077.

#### MOTION

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

#### SENATE RESOLUTION 1979-5

By Senators Odegaard, Bausch, Donohue and Talley:

WHEREAS, The people of the State of Washington have always maintained a strong interest in the atmospheric environment and the function of the U. S. Weather Service; and

WHEREAS, The National Weather Service and the Oceanic and Atmospheric Administration have issued a proposal calling for the closure of the Olympia Weather Station; and

WHEREAS, The Olympia Weather Station provides services that have a direct and indirect impact on approximately 322,000 or more citizens of Southwest Washington; and

WHEREAS, The Olympia Weather Station serves a primary safety and warning service to at least seven Washington counties; and

WHEREAS, The Olympia Weather Station provides approximately one thousand pilot weather briefings per month; and

WHEREAS, The Olympia Weather Station provides hourly weather reports to the Dispatch and Flight Planning Center at SEA-TAC; and

WHEREAS, The Olympia Weather Station provides highway safety information to all governmental agencies of seven Washington counties; and

WHEREAS, The Olympia Weather Station provides weather briefings to the Photogrametry Division of the Department of Transportation daily; and

WHEREAS, The Olympia Weather Station provides maritime weather broadcasts twice daily for the Willapa and Grays Harbor region; and

WHEREAS, The Olympia Weather Station, provides the only weather broadcasts to Radio Station KXRO, Aberdeen, with a primary signal coverage area affecting approximately 70,000 citizens; and

WHEREAS, The data and statistics recorded by the Olympia Weather Station are made available to the public and to state agencies; and

WHEREAS, The services provided by the Olympia Weather Station affect loggers, farmers, contractors, boaters, fishermen, travelers, and people from all walks of life in the Southwest Washington region; and

WHEREAS, The closure of the Olympia Weather Station would have a serious and drastic impact on the people and industries of Washington State;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that the National Weather Service and the Oceanic and Atmospheric Administration are requested to support the continuation and operation of the Olympia Weather Station as per the public's wants and needs; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the President of the United States, the Honorable Jimmy Carter, Senator Warren G. Magnuson, Senator Henry M. Jackson, Representative Don Bonker, the Director of the National Weather Service, and the Director of the Oceanic and Atmospheric Administration.

#### MOTION

At 11:20 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Wednesday, January 10, 1979.

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

### THIRD DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 10, 1979.

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

The Color Guard, consisting of Pages Heidi Harnett and Christopher Cole, presented the Colors. Father Herbert Pins, of St. Michael's Church of Olympia, offered the following prayer:

"GOD, THE FATHER OF US ALL, AND THE ONE ON WHOM OUR FOUNDING FATHERS DEPENDED, WE ARE ALWAYS AND EVERYWHERE IN NEED OF YOUR GUIDANCE. AS PAUL THE APOSTLE REMINDED US — 'BEFORE GOD, WE ARE CONFIDENT OF THIS THROUGH CHRIST; NOT THAT WE ARE QUALIFIED IN OURSELVES TO CLAIM ANYTHING AS OUR OWN WORK: BUT THAT ALL OUR QUALIFICATIONS COME FROM GOD.' (2 Corinthians 3, 4, 5)

"WE EARNESTLY PRAY FOR A BLESSING ON THIS SENATE AND UPON EACH OF ITS EFFORTS TODAY. KEEP US MINDFUL OF YOU, LORD, JUST AS OUR FOUNDING FATHERS WERE MINDFUL OF YOU AS THE SOURCE OF THEIR AUTHORITY AND LAW. WE SEEK TO TRUST IN YOU AS THEY TRUSTED IN YOU. WE ARE CONFIDENT OF SUCH BLESSING AS A BLESSING GIVEN 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 SECRETARY OF STATE

January 8, 1979.

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

MR. PRESIDENT:

We herewith respectfully transmit Substitute Senate Bill 3054, vetoed by the governor, together with the official veto message setting forth her objection to the bill as provided by Article III, section 12, of the Washington State Constitution.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol on the 8th day of January, 1979.

BRUCE K. CHAPMAN  
Secretary of State.

(Seal of the State of Washington)

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 3054 together with the official veto message was referred to the Committee on Rules.

## MESSAGE FROM THE SECRETARY OF STATE

January 8, 1979.

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration the following sections of bills partially vetoed by the governor, together with copies of the official veto messages of the governor setting forth her objections to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Section 19 of Senate Bill No. 2042, the remainder of which has been designated Chapter 337, Laws of 1977, 1st. ex. sess.

Section 4 of Senate Bill No. 3015, the remainder of which has been designated Chapter 315, Laws of 1977, 1st. ex. sess.

Sections 1, 7, and 9 of Substitute Senate Bill No. 2910, the remainder of which has been designated Chapter 371, Laws of 1977, 1st. ex. sess.

Section 25, line 22; Section 27, lines 10 and 11 and subsections 2 through 5; Section 28, subsection (1); Section 64, subsection (2); Section 72, lines 25 thru 29; section 86, subsection (2); Section 94, subsections (2) and (4); Section 110, subsections (3), and (5), and section 110A; Section 117, subsection (5); and Section 164 of Substitute Senate Bill No. 3109, the remainder of which has been designated Chapter 339, Laws of 1977, 1st. ex. sess.

Subsection (13) of Section 7 of Substitute Senate Bill No. 3110, the remainder of which has been designated Chapter 338, Laws of 1977, 1st. ex. sess.

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 8th day of January, 1979.

BRUCE K. CHAPMAN  
Secretary of State

(Seal of the State of Washington)

## MOTION

On motion of Senator Walgren, the following bills, together with the partial veto messages by the Governor, were referred to the Committee on Rules: SB 2042, SB 3015, SSB 2910, SSB 3109, SSB 3110.

## MESSAGE FROM THE SECRETARY OF STATE

January 8, 1979.

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

MR. PRESIDENT:

We are herewith respectfully transmitting two Initiatives to the Legislature, the sponsors of which have filed supporting signatures with my office on or before the Constitutional and statutory deadline of December 29, 1978. The measures and their official ballot titles as prepared by the Attorney General are as follows:

No. 61: Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?

No. 62: Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?

My statutory duty is now to cause the signatures supporting these initiatives to be compared against the signatures of registered voters on file in my office to determine whether or not the respective sponsors have submitted the necessary minimum number of valid and unduplicated signatures for certification.

The sponsors of these two initiatives have filed a sufficient number of signatures to permit the application of the statistical sampling technique and for this reason I anticipate that the status of both measures will be determined on or before January 19, 1979. Upon completion of the canvassing of both initiatives, an official report will be given simultaneously to both branches of the Legislature.

Respectfully,  
BRUCE K. CHAPMAN  
Secretary of State.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2078, by Senator von Reichbauer (by Washington State Patrol request):

AN ACT Relating to motor vehicles; and amending section 5, chapter 119, Laws of 1965 ex. sess. as amended by section 5, chapter 91, Laws of 1971 ex. sess. and RCW 46.52.085.

Referred to Committee on Transportation.

SENATE BILL NO. 2079, by Senators Williams, North, Woody and Fleming:

AN ACT Relating to low income senior citizens; amending section 74.04.040, chapter 26, Laws of 1959 and RCW 74.04.040; amending section 80.28.090, chapter 14, Laws of 1961 and RCW 80.28.090; amending section 80.28.100, chapter 14, Laws of 1961 and RCW 80.28.100; amending section 80.36.170, chapter 14, Laws of 1961 and RCW 80.36.170; amending section 80.36.180, chapter 14, Laws of 1961 and RCW 80.36.180; adding a new chapter to Title 74 RCW; and declaring an emergency.

### MOTION

On motion of Senator Walgren, Senate Bill No. 2079 was referred to the Committee on Energy and Utilities.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2080, by Senator Conner:

AN ACT Relating to storage facilities; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2081, by Senator Conner:

AN ACT Relating to eye enucleation; and adding a new section to chapter 68.08 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2082, by Senators Conner and Quigg:

AN ACT Relating to motor vehicle licenses; adding a new section to chapter 46.16 RCW; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2083, by Senator Conner:

AN ACT Relating to military service credit in the public employees' retirement system; and amending section 18, chapter 274, Laws of 1947 as last amended by section 14, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.170.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2084, by Senator Conner:

AN ACT Relating to revenue and taxation; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2085, by Senators Conner, Talley and Quigg:

AN ACT Relating to food fish and shellfish; adding a new chapter to Title 75 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2086, by Senator Conner:

AN ACT Relating to wheelchairs; amending section 45, chapter 62, Laws of 1975 and RCW 46.61.606; adding a new section to chapter 12, Laws of 1961 and to chapter 46.04 RCW; adding a new section to chapter 70.84 RCW; and repealing section 11, chapter 141, Laws of 1969 and RCW 70.84.900.

Referred to Committee on Transportation.

SENATE BILL NO. 2087, by Senators Conner, Williams and Vognild:

AN ACT Relating to revenue and taxation; and amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2088, by Senators Conner and Vognild:

AN ACT Relating to actions against law enforcement officers; and adding a new section to chapter 4.96 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2089, by Senators McDermott, Fleming, Newschwander and Wanamaker:

AN ACT Relating to the University of Washington; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 2090, by Senators Gould and Hayner:

AN ACT Relating to school directors; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.57 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2091, by Senators Donohue, Guess and Odegaard:

AN ACT Relating to public transportation; amending section 7, chapter 270, Laws of 1975 1st ex. sess. and RCW 35.58.2721; amending section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2092, by Senators Odegaard, Talley, Conner, Vognild and Quigg:

AN ACT Relating to razor clams; and adding a new section to chapter 75.24 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2093, by Senator Conner:

AN ACT Relating to hiring freezes; and adding a new section to chapter 43.06 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2094, by Senators Conner and Henry (by Joint Legislative Transportation Committee request):

AN ACT Relating to motor vehicles; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 8, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.091; and amending section 4, chapter 25, Laws of 1965 as last amended by section 1, chapter 27, Laws of 1977 and RCW 46.68.041.

Referred to Committee on Transportation.

SENATE BILL NO. 2095, by Senators Marsh, Henry and Talley:

AN ACT Relating to superior court judges; amending section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.062; providing an effective date; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2096, by Senators Day and Moore:

AN ACT Relating to liability for dog bites; and amending section 2, chapter 77, Laws of 1941 and RCW 16.08.050.

Referred to Judiciary Committee.

SENATE BILL NO. 2097, by Senators Conner, Henry and Hayner (by Joint Legislative Transportation Committee request):

AN ACT Relating to mopeds; amending section 46.04.330, chapter 12, Laws of 1961 and RCW 46.04.330; amending section 28, chapter 154, Laws of 1963 and RCW 46.04.332; amending section 46.04.670, chapter 12, Laws of 1961 and RCW 46.04.670; amending section 1, chapter 232, Laws of 1967 and RCW 46.20.500; amending section 46.44.050, chapter 12, Laws of 1961 as amended by section 12, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.050; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding new sections to chapter 46.61 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2098, by Senator Conner (by Joint Legislative Transportation Committee request):

AN ACT Relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; and amending section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250.

Referred to Committee on Transportation.

SENATE BILL NO. 2099, by Senators Conner and Lee (by Joint Legislative Transportation Committee request):

AN ACT Relating to motor vehicles; and amending section 1, chapter 244, Laws of 1975 1st ex. sess. and RCW 10.05.010.

Referred to Judiciary Committee.

SENATE BILL NO. 2100, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to public assistance; and amending section 1, chapter 215, Laws of 1977 ex. sess. and RCW 74.04.266.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2101, by Senators Day and Moore:

AN ACT Relating to the Colony of the State Soldiers' Home; and amending section 72.36.050, chapter 28, Laws of 1959 as last amended by section 103, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2102, by Senators Day and Moore:

AN ACT Relating to the Colony of the State Soldiers' Home; and amending section 72.36.050, chapter 28, Laws of 1959 as last amended by section 103, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.36.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2103, by Senators Pullen, Day and Hayner:

AN ACT Relating to support of dependent children; amending section 5, chapter 164, Laws of 1971 ex. sess. as amended by section 6, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.050; and amending section 25, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.055.

Referred to Judiciary Committee.

SENATE BILL NO. 2104, by Senators Day and Moore:

AN ACT Relating to discrimination; and amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2105, by Senator Conner (by Joint Legislative Transportation Committee request):

AN ACT Relating to justice courts and other courts of limited jurisdiction; adding a new chapter to Title 3 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2106, by Senators Talmadge and Wojahn:

AN ACT Relating to personal exemptions; and amending section 253, page 178, Laws of 1854 as last amended by section 13, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2107, by Senators Talmadge and Moore:

AN ACT Relating to community municipal corporations; amending section 3, chapter 73, Laws of 1967 and RCW 35.14.030; and adding new sections to chapter 73, Laws of 1967 and to chapter 35.14 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2108, by Senators Talley and Wanamaker (by Board of Pilotage Commissioners request):

AN ACT Relating to pilotage; amending section 1, chapter 18, Laws of 1935 as last amended by section 2, chapter 337, Laws of 1977 ex. sess. and RCW 88.16-.010; amending section 3, chapter 18, Laws of 1935 as last amended by section 5, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.050; amending section 8, chapter 18, Laws of 1935 as last amended by section 7, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.090; and amending section 9, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.103.

Referred to Committee on Transportation.

SENATE BILL NO. 2109, by Senators Rasmussen, Clarke and Newschwander (by Legislative Budget Committee request):

AN ACT Relating to public employment; providing for agency payments into the department of personnel fund; and amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280.

Referred to Committee on Transportation.

## MOTIONS

On motion of Senator Donohue, the Committee on Transportation was relieved from further consideration of Senate Bill No. 2109.

On motion of Senator Donohue, Senate Bill No. 2109 was rereferred to the Committee on Ways and Means.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2110, by Senators Day, Newschwander and Henry (by Department of Licensing request):

AN ACT Relating to driver licensing; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2111, by Senators Odegaard, Donohue, Morrison, Woody, Talley, Benitz, Conner and Peterson:

AN ACT Relating to revenue and taxation of timber and forest lands; amending section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 347, Laws of 1977 ex. sess. and RCW 82.04.291; amending section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.080; amending section 9, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.200; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2112, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to revenue and taxation; adding new sections to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Labor.

SENATE BILL NO. 2113, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to public assistance; amending section 74.08.040, chapter 26, Laws of 1959 and RCW 74.08.040; amending section 74.08.335, chapter 26, Laws of 1959 and RCW 74.08.335; amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005; amending section 74.04.300, chapter 26, Laws of 1959 as last amended by section 1, chapter 49, Laws of 1973 1st ex. sess. and RCW 74.04.300; and amending section 1, chapter 91, Laws of 1965 ex. sess. and RCW 74.04.305.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2114, by Senator Talley:

AN ACT Relating to highways; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2115, by Senators Guess, Talley and Newschwander:

AN ACT Relating to attorney's fees; and amending section 12, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.070.

Referred to Judiciary Committee.

SENATE BILL NO. 2116, by Senators Guess, Henry and Hansen:

AN ACT Relating to crimes; adding a new section to chapter 9A.36 RCW; providing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2117, by Senators Quigg, Sellar and Talley:

AN ACT Relating to special purpose districts; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2118, by Senators Quigg, Sellar and Talley:

AN ACT Relating to special purpose districts; and amending section 3, chapter 239, Laws of 1967 as last amended by section 13, chapter 283, Laws of 1977 ex. sess. and RCW 39.34.020.

Referred to Committee on Local Government.

SENATE BILL NO. 2119, by Senators Marsh, Talmadge, Clarke, Hayner, Bottiger and Woody:

AN ACT Relating to business corporations; amending section 3, chapter 53, Laws of 1965 and RCW 23A.04.010; amending section 4, chapter 53, Laws of 1965 and RCW 23A.08.010; amending section 5, chapter 53, Laws of 1965 as amended by section 1, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.020; amending section 2, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.025; amending section 8, chapter 53, Laws of 1965 and RCW 23A.08.050; amending section 9, chapter 53, Laws of 1965 as amended by section 1, chapter 83, Laws of 1969 ex. sess. and RCW 23A.08.060; amending section 13, chapter 53, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.100; amending section 15, chapter 53, Laws of 1965 and RCW 23A.08.120; amending section 18, chapter 53, Laws of 1965 and RCW 23A.08.150; amending section 22, chapter 53, Laws of 1965 and RCW 23A.08.190; amending section 23, chapter 53, Laws of 1965 and RCW 23A.08.200; amending section 26, chapter 53, Laws of 1965 and RCW 23A.08.230; amending section 28, chapter 53, Laws of 1965 and RCW 23A.08.250; amending section 31, chapter 53, Laws of 1965 and RCW 23A.08.280; amending section 32, chapter 53, Laws of 1965 and RCW 23A.08.290; amending section 33, chapter 53, Laws of 1965 and RCW 23A.08.300; amending section 1, chapter 176, Laws of 1967 and RCW 23A.08.345; amending section 38, chapter 53, Laws of 1965 as amended by section 2, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.350; amending section 41, chapter 53, Laws of 1965 and RCW 23A.08.380; amending section 42, chapter 53, Laws of 1965 and RCW 23A.08.390; amending section 44, chapter 53, Laws of 1965 as amended by section 3, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.410; amending section 45, chapter 53, Laws of 1965 and RCW 23A.08.420; amending section 50, chapter 53, Laws of 1965 as amended by section 4, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.470; amending section 53, chapter 53, Laws of 1965 and RCW 23A.08.500; amending section 55, chapter 53, Laws of 1965 and RCW 23A.12.020; amending section 57, chapter 53, Laws of 1965 and RCW 23A.12.040; amending section 59, chapter 53, Laws of 1965 and RCW 23A.12.060; amending section 61, chapter 53, Laws of 1965 and RCW 23A.16.020; amending section 63, chapter 53, Laws of 1965 as amended by section 5, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.040; amending section 65, chapter 53, Laws of 1965 and RCW 23A.16.060; amending section 67, chapter 53, Laws of 1965 as amended by section 8, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.080; amending section 75, chapter 53, Laws of 1965 and RCW 23A.20.030; amending section 76, chapter 53, Laws of 1965 as amended by section 12, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as last amended by section 13, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.050; amending section 78, chapter 53, Laws of 1965 and RCW 23A.20.060; amending section 79, chapter 53, Laws of 1965 and RCW 23A.20.070; amending section 80, chapter 53, Laws of 1965 and RCW 23A.24.010; amending section 81, chapter 53, Laws of 1965 and RCW 23A.24.020; amending section 82, chapter 53, Laws of 1965 and

RCW 23A.24.040; amending section 84, chapter 53, Laws of 1965 as amended by section 14, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.010; amending section 109, chapter 53, Laws of 1965 and RCW 23A.32.010; amending section 111, chapter 53, Laws of 1965 as amended by section 6, chapter 190, Laws of 1967 and RCW 23A.32.030; amending section 112, chapter 53, Laws of 1965 and RCW 23A.32.040; amending section 113, chapter 53, Laws of 1965 as amended by section 1, chapter 22, Laws of 1971 and RCW 23A.32.050; amending section 114, chapter 53, Laws of 1965 as last amended by section 1, chapter 89, Laws of 1973 and RCW 23A.32.060; amending section 117, chapter 53, Laws of 1965 and RCW 23A.32.090; amending section 122, chapter 53, Laws of 1965 and RCW 23A.32.140; amending section 130, chapter 53, Laws of 1965 and RCW 23A.36.030; amending section 4, chapter 92, Laws of 1969 ex. sess. as last amended by section 1, chapter 36, Laws of 1975 1st ex. sess. and RCW 23A.40.075; amending section 1, chapter 2, Laws of 1971 ex. sess. and RCW 23A.40.150; amending section 165, chapter 53, Laws of 1965 and RCW 23A.98.030; adding a new section to chapter 23A.08 RCW; adding a new section to chapter 23A.16 RCW; adding a new section to chapter 23A.20 RCW; adding new sections to chapter 23A.32 RCW; repealing section 58, chapter 53, Laws of 1965 and RCW 23A.12.050; repealing section 66, chapter 53, Laws of 1965, section 5, chapter 190, Laws of 1967, section 7, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.070; repealing section 144, chapter 53, Laws of 1965 and RCW 23A.40.110; repealing section 145, chapter 53, Laws of 1965 and RCW 23A.40.120; repealing section 146, chapter 53, Laws of 1965 and RCW 23A.40.130; and repealing section 147, chapter 53, Laws of 1965 and RCW 23A.40.140.

Referred to Judiciary Committee.

**SENATE JOINT MEMORIAL NO. 102**, by Senator Conner:

Requesting federal action to curb certain practices of the national park services in acquiring land.

Referred to Committee on Natural Resources.

**SENATE JOINT RESOLUTION NO. 107**, by Senator Conner (by Joint Legislative Transportation Committee request):

Amending the state Constitution to permit appeals from justice courts to the court of appeals.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2089, 2092, 2111, 2119.

### PERMISSION TO USE SENATE CHAMBER

Permission was granted to Senator Talley for use of the Senate Chamber on January 24, 1979 for a hearing on Senate Bill 2015 designating an official dance for the state.

### MOTION

At 11:28 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 11, 1979.

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

## FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 11, 1979.

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

The Color Guard, consisting of Pages Connie Knoblauch and Charles McLean, presented the Colors. Father John Scott, President of St. Martin's College of Olympia, offered the following prayer:

"I PRAY FOR AND WITH YOU THIS DAY THAT THE LORD MAY INSPIRE YOU TO FOLLOW THE EXHORTATION OF THE APOSTLE PAUL IN THE DELIBERATIONS OF THIS BODY: 'LOVE EACH OTHER AS MUCH AS BROTHERS SHOULD, AND HAVE A PROFOUND RESPECT FOR EACH OTHER. WORK FOR THE (GOOD) WITH UNTIRING EFFORT AND WITH GREAT EARNESTNESS OF SPIRIT . . . DO NOT GIVE UP IF TRIALS COME; AND KEEP ON PRAYING.' (ROMANS 12:10-12)

"MAY THE LORD PROSPER YOUR WORK THIS DAY AND ALWAYS. 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 COMMITTEE GUBERNATORIAL APPOINTMENTS

January 10, 1979.

**LOREN CALVIN DAVIDSON**, to the position of member of the Higher Education Personnel Board, appointed by the Governor on July 1, 1977 for the term ending July 1, 1983, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senator Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

January 10, 1979.

**MS. JANE B. SYLVESTER**, to the position of member of the Board of Trustees, The Evergreen State College, appointed by the Governor on April 21, 1978 for the term ending March 12, 1984, succeeding Janet P. Holmes (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

January 10, 1979.

**ZACHARY D. LUECK**, to the position of member of the Council on Postsecondary Education, appointed by the Governor on July 1, 1978 for the term ending \*, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

\*for a term coextensive with his tenure as a student and not exceeding three years.

January 10, 1979.

**REPRESENTATIVE PHYLLIS ERICKSON**, to the position of member of the Western Interstate Commission for Higher Education, appointed by the Governor on May 5, 1978 for the term ending June 6, 1979, succeeding Patrick Callan (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

January 10, 1979.

**LOUIS SORIANO**, to the position of member of the State Board for Community College Education, appointed by the Governor on May 15, 1978 for the term ending April 3, 1982, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

January 10, 1979.

**ARTHUR ANDERSON**, to the position of member of the Council for Post-secondary Education, appointed by the Governor on November 21, 1977 for the term ending June 30, 1983, succeeding Walter Howe (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

January 10, 1979.

**WESLEY BERGLUND**, to the position of member of the Board of Trustees of The Evergreen State College, appointed by the Governor on July 21, 1977 for the term ending March 8, 1982, succeeding Mr. Ray Meredith (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Scott, Shinpoch, von Reichbauer.

January 10, 1979.

**DR. FREDERICK P. THIEME**, to the position of member of the Western Interstate Commission for Higher Education, appointed by the Governor on December 28, 1977 for the term ending June 9, 1981, succeeding Gordon Sandison (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Teruko Ogata Daniel, appointed December 18, 1978, for a term ending June 30, 1980, succeeding Hiro Nishimura as a member of the Commission on Asian-American Affairs.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Larry V. Erickson, appointed January 8, 1979, for a term ending October 7, 1979, succeeding William J. Reilly as a member of the State Jail Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Local Government.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Taul Watanabe, reappointed January 4, 1979, for a term ending January 4, 1985, as a member of the State Personnel Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Chester A. Richmond, appointed December 19, 1978, for a term ending December 26, 1981, succeeding Kenneth A. Ayers as a member of the Board of Pilotage Commissioners.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Transportation.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

James Bender, appointed February 3, 1977, for a term ending January 15, 1981, succeeding Herman Sakowsky as a member of the Horse Racing Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Don Hodges, appointed February 3, 1977, for a term ending February 3, 1982, succeeding Ben Hayes as a member of the State Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Mary Ellen Krug, appointed January 31, 1977, for a term ending September 8, 1980, succeeding Philip Kienast as a member of the Public Employment Relations Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Paul Roberts, appointed February 3, 1977, for a term ending September 8, 1979, succeeding Robert E. Arkell as a member of the Public Employment Relations Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Labor.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

S. L. Chase, appointed May 17, 1977, for a term ending April 3, 1980, succeeding Dr. James Otto as a member of the State Board for Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

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

Ian MacGowan, appointed April 4, 1977, for a term ending April 3, 1981, succeeding Andrew Young as a member of the State Board for Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

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

Donald M. Coe, appointed November 17, 1978, for a term ending September 30, 1983, succeeding Harris Johnson as a member of the Board of Trustees, Community College District No. 1.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

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

Frank H. Lerner, appointed September 7, 1978, for a term ending September 30, 1979, succeeding Edwin Van Syckle as a member of the Board of Trustees, Community College District No. 2.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

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

William J. McKinney, O.D., reappointed October 12, 1978, for a term ending September 30, 1983, succeeding himself as a member of the Board of Trustees, Community College District No. 2.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

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

Leonard W. Costello, appointed July 20, 1978, for a term ending September 30, 1982, succeeding M. Chandler Redman as a member of the Board of Trustees, Community College District No. 3.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN;

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

Joyce M. Nielson, appointed October 11, 1978, for a term ending September 30, 1983, succeeding Marjorie Peters as a member of the Board of Trustees, Community College District No. 4.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Scott O. Richards, appointed January 16, 1978, for a term ending October 1, 1980, succeeding Jack Schuster as a member of the Board of Trustees, Skagit Valley Community College, District No. 4.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Karen Miller, appointed May 23, 1978, for a term ending September 30, 1983, succeeding John Donovan as a member of the Board of Trustees, Community College District No. 5.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Jim Shipman, reappointed October 25, 1978, for a term ending September 30, 1983, succeeding himself as a member of the Board of Trustees, Community College District No. 5.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Ms. Helen G. Sutton, reappointed December 15, 1978, for a term ending September 30, 1983, as a member of the Board of Trustees, Community College District No. 6.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Samuel E. Kelly, appointed October 11, 1978, for a term ending September 30, 1983, succeeding Neil McReynolds as a member of the Board of Trustees, Community College District No. 8.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

LADIES AND GENTLEMEN:

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

Harold A. Lamon, Jr., appointed December 19, 1978, for a term ending September 30, 1981, succeeding Mr. Gerald R. Brunstrom as a member of the Board of Trustees, Community College District No. 9.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Robert E. Stead, appointed November 21, 1977, for a term ending October 1, 1978, succeeding Vincent Menella as a member of the Board of Trustees, Highline Community College, District No. 9.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Robert E. Stead, reappointed October 12, 1978, for a term ending September 30, 1983, succeeding himself as a member of the Board of Trustees, Community College District No. 9.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Jack A. Hawkins, appointed November 15, 1978, for a term ending September 30, 1983, succeeding Dr. Richard A. Eidal as a member of the Board of Trustees, Community College District No. 10.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Ms. Emi Somekawa, appointed June 30, 1978, for a term ending September 30, 1982, succeeding Art Somekawa as a member of the Board of Trustees, Community College District No. 11.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Merrily Knutsen, reappointed October 12, 1978, for a term ending September 30, 1983, succeeding herself as a member of the Board of Trustees, Community College District No. 12.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Vernon L. Martin, appointed December 8, 1978, for a term ending September 30, 1980, succeeding David Ellsworth as a member of the Board of Trustees, Community College District No. 12.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

G. W. Burchim, appointed November 15, 1978, for a term ending September 30, 1980, succeeding Shirley Smith as a member of the Board of Trustees, Community College District No. 13.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Alexander M. Leese, appointed July 19, 1977, for a term ending April 3, 1978, succeeding Dr. Dale Bowen as a member of the Board of Trustees of Lower Columbia College, District No. 13.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

MarCine Miles, appointed November 15, 1978, for a term ending September 30, 1983, succeeding Betty J. Mage as a member of the Board of Trustees, Community College District No. 14.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Robert L. Parlette, appointed October 25, 1978, for a term ending September 30, 1983, succeeding Thomas Warren as a member of the Board of Trustees, Community College District No. 15.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Martha Indermuhle, appointed October 13, 1978, for a term ending September 30, 1983, succeeding Mary E. Hersey as a member of the Board of Trustees, Community College District No. 16.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Ms. Ruth F. Mottley, reappointed April 8, 1975, for a term ending April 3, 1980, as a member of the Board of Trustees, Yakima Valley College.

Inadvertently this request for confirmation had not been previously sent.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Donald L. Olson, appointed November 15, 1978, for a term ending September 30, 1983, succeeding Robert T. Green as a member of the Board of Trustees, Community College District No. 17.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Raymond R. Anderson, appointed December 1, 1978, for a term ending September 30, 1979, succeeding Dean Judd as a member of the Board of Trustees, Community College District No. 18.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Harry M. Yamamoto, Jr., appointed October 10, 1978, for a term ending September 30, 1983, succeeding Alfred Geesey as a member of the Board of Trustees, Community College District No. 18.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

L. C. Mike Floyd, appointed December 1, 1978, for a term ending September 30, 1983, succeeding I. L. Smith as a member of the Board of Trustees, Community College District No. 20.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

William A. Grant, appointed August 9, 1977, for a term ending October 1, 1979, succeeding Gary Bergeven as a member of the Board of Trustees, Walla Walla Community College, District No. 20.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Charles W. Votaw, appointed March 21, 1978, for a term ending September 30, 1981, succeeding Bob Mickelson as a member of the Board of Trustees, Community College District No. 20.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

M. G. Hollander, appointed May 23, 1978, for a term ending September 30, 1981, succeeding Bob Partlow as a member of the Board of Trustees, Community College District No. 21.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Richard Langabeer, appointed November 21, 1977, for a term ending October 1, 1982, succeeding Sam P. Kelly as a member of the Board of Trustees, Community College District No. 21.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Dr. Walter S. Johnson, appointed December 1, 1978, for a term ending April 30, 1982, succeeding Donald K. Morford as a member of the State Board for Community College Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Edwin J. McWilliams, appointed to the Board of Regents, Washington State University, for a term beginning February 7, 1978 and ending March 9, 1979, succeeding Robert Strauz as a member of the Board.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Gael R. Stuart, appointed October 12, 1978, for a term ending September 30, 1980, succeeding Dr. William J. Scheyer as a member of the Board of Trustees, Community College District No. 1.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Dorothy L. Murphy, appointed December 12, 1977, for a term ending October 1, 1980, succeeding Isabelle S. Lamb as a member of the Board of Trustees, Grays Harbor Community College.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Maj. Gen. Jack K. Gamble, Ret., appointed November 15, 1978, for a term ending September 30, 1983, succeeding Douglas Richter as a member of the Board of Trustees, Community College District No. 11.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 9, 1979.

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

LADIES AND GENTLEMEN:

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

Alexander M. Leese, reappointed November 15, 1978, for a term ending September 30, 1983, succeeding himself as a member of the Board of Trustees, Community College District No. 13.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MESSAGE FROM THE SECRETARY OF STATE

January 8, 1979.

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

MR. PRESIDENT:

I have the honor of herewith submitting a recapitulation of the votes cast on the state measure and on federal and statewide offices at the State General Election held throughout the State of Washington on the seventh day of November, 1978, as canvassed by me from the returns made to this department by the respective County Auditors of the State.

#### Initiative Measure No. 350

Yes .....	585,903
No .....	297,991

#### UNITED STATES REPRESENTATIVE

##### Congressional District One

Joel Pritchard (R) .....	99,942
Janice Niemi (D) .....	52,706
John H. Addison (Lib) .....	3,545

##### Congressional District Two

John Nance Garner (R) .....	66,793
Al Swift (D) .....	70,620

##### Congressional District Three

Rick Bennett (R) .....	58,270
Don Bonker (D) .....	82,616

##### Congressional District Four

Susan Roylance (R) .....	54,389
Mike McCormack (D) .....	85,602

##### Congressional District Five

Duane Alton (R) .....	68,761
Thomas S. Foley (D) .....	77,201

Mel Tonasket (Ind. Cand.) .....	14,887
Congressional District Six	
James D. Beaver (R) .....	43,640
Norman D. Dicks (D) .....	71,057
Mary K. Smith (S.W.) .....	2,043
Congressional District Seven	
John E. "Jack" Cunningham (R) .....	59,052
Mike Lowry (D) .....	67,450

STATE SUPREME COURT

State Supreme Court, Position One	
Charles T. Wright .....	597,348
State Supreme Court, Position Two	
Hugh J. Rosellini .....	589,999
State Supreme Court, Position Three	
William H. Williams .....	386,244
Francis E. Holman .....	365,721

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol on the 8th day of January, 1979.

BRUCE K. CHAPMAN  
Secretary of State

(Seal of the State of Washington)

MESSAGE FROM THE HOUSE

January 10, 1979.

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

DEAN R. FOSTER, Co-Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2120, by Senators Day, Moore, Pullen, Odegaard, Wilson, Quigg, Hayner, Morrison, Wojahn, Lee and Talmadge (by Department of Social and Health Services request):

AN ACT Relating to revenue and taxation; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2121, by Senators Conner, Day, von Reichbauer and Ridder:

AN ACT Relating to human remains; and amending section 4, chapter 80, Laws of 1969 and RCW 68.08.520.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2122, by Senators Conner, Lee, Gould and Gallagher (by Joint Legislative Transportation Committee request):

AN ACT Relating to motor vehicles; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 3, chapter 3, Laws of 1977 ex. sess. and RCW 46.61.515.

Referred to Judiciary Committee.

## SENATE BILL NO. 2123, by Senator Conner:

AN ACT Relating to wharfingers and warehousemen; amending section 7-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.7-204; amending section 81.12-.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 210, Laws of 1969 ex. sess. and RCW 81.12.010; amending section 81.24.030, chapter 14, Laws of 1961 and RCW 81.24.030; repealing section 81.94.010, chapter 14, Laws of 1961 and RCW 81.94.010; repealing section 81.94.020, chapter 14, Laws of 1961 and RCW 81.94.020; repealing section 81.94.030, chapter 14, Laws of 1961 and RCW 81.94.030; repealing section 81.94.040, chapter 14, Laws of 1961 and RCW 81.94-.040; repealing section 81.94.050, chapter 14, Laws of 1961 and RCW 81.94.050; repealing section 81.94.060, chapter 14, Laws of 1961, section 118, chapter 154, Laws of 1973 1st ex. sess. and RCW 81.94.060; repealing section 81.94.070, chapter 14, Laws of 1961 and RCW 81.94.070; repealing section 81.94.080, chapter 14, Laws of 1961 and RCW 81.94.080; repealing section 81.94.090, chapter 14, Laws of 1961 and RCW 81.94.090; repealing section 81.94.100, chapter 14, Laws of 1961 and RCW 81.94.100; repealing section 81.94.110, chapter 14, Laws of 1961 and RCW 81.94.110; and repealing section 81.94.130, chapter 14, Laws of 1961 and RCW 81.94.130.

Referred to Committee on Labor.

## SENATE BILL NO. 2124, by Senators Conner and Gallagher:

AN ACT Relating to food fish and shellfish licenses; amending section 75.28-.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 28, Laws of 1965 ex. sess. and RCW 75.28.300; amending section 75.28.370, chapter 12, Laws of 1955 and RCW 75.28.370; amending section 75.98.040, chapter 12, Laws of 1955 and RCW 75.98.040; repealing section 75.28.320, chapter 12, Laws of 1955 and RCW 75.28.320; repealing section 75.28.325, chapter 12, Laws of 1955 and RCW 75.28.325; repealing section 75.28.330, chapter 12, Laws of 1955 and RCW 75.28-.330; repealing section 75.28.360, chapter 12, Laws of 1955 and RCW 75.28.360; and prescribing penalties.

Referred to Committee on Natural Resources.

## SENATE BILL NO. 2125, by Senators Day, Odegaard and Vognild:

AN ACT Relating to denturism; amending section 1, chapter 130, Laws of 1951 as last amended by section 1, chapter 236, Laws of 1971 ex. sess. and RCW 18.32.030; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

## SENATE BILL NO. 2126, by Senators Conner, Henry, Lee and Hayner (by Joint Legislative Transportation Committee request):

AN ACT Relating to motor vehicles; amending section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050; and adding a new chapter to Title 46 RCW.

Referred to Judiciary Committee.

## SENATE BILL NO. 2127, by Senators Conner, McDermott, Gould and Gaspard (by State Board of Education request):

AN ACT Relating to education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.58 and 28A.87 RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 48.48 RCW; making appropriations; and providing penalties.

Referred to Committee on Education.

## SENATE BILL NO. 2128, by Senators Wanamaker, Peterson, Lewis, Newschwander and Sellar:

AN ACT Relating to revenue and taxation; amending and reenacting section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 166,

Laws of 1977 ex. sess., by section 1, chapter 179, Laws of 1977 ex. sess. and by section 1, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.08.030; and amending and reenacting section 82.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 166, Laws of 1977 ex. sess., by section 111, chapter 169, Laws of 1977 ex. sess., and by section 2, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2129, by Senator Day:

AN ACT Relating to state employees; and amending section 19, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.190.

Referred to Committee on State Government.

SENATE BILL NO. 2130, by Senators McDermott and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to services provided by educational service districts to public and private schools; amending section 11, chapter 282, Laws of 1971 ex. sess. as amended by section 16, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21-.086; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 26, Laws of 1971 and RCW 28A.58.107; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2131, by Senators McDermott, Gaspard and Morrison (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 28A.30.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.040; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 2132, by Senators McDermott, Gaspard and Morrison (by Superintendent of Public Instruction request):

AN ACT Relating to school facilities cost stabilization; and amending section 6, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03.407.

Referred to Committee on Education.

SENATE BILL NO. 2133, by Senators McDermott and Gould:

AN ACT Relating to school district bonds; and amending section 28A.51.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.070.

Referred to Committee on Education.

SENATE BILL NO. 2134, by Senators McDermott and Gould:

AN ACT Relating to education; amending section 18, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.758; amending section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.760; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2135, by Senator Conner (by Joint Legislative Transportation Committee request):

AN ACT Relating to motor vehicles; amending section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380; and amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391.

Referred to Committee on Transportation.

**SENATE BILL NO. 2136, by Senators Day and Van Hollebeke:**

AN ACT Relating to dentistry; amending section 2, chapter 112, Laws of 1935 as last amended by section 1, chapter 49, Laws of 1975 and RCW 18.32.035; amending section 5, chapter 112, Laws of 1935 and RCW 18.32.040; amending section 3, chapter 93, Laws of 1953 as last amended by section 34, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.32.050; and creating a new section.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2137, by Senator Day:**

AN ACT Relating to criminal correctional diversions; adding a new chapter to Title 10 RCW; repealing section 1, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.010; repealing section 2, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.020; repealing section 3, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.030; repealing section 4, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.040; repealing section 5, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.050; repealing section 6, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.060; repealing section 7, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.070; repealing section 8, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.080; repealing section 9, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.090; repealing section 11, chapter 123, Laws of 1973 1st ex. sess. and RCW 9.95A.900; and making an appropriation.

Referred to Social and Health Services.

**SENATE BILL NO. 2138, by Senators Day, Talmadge, Van Hollebeke and Hayner:**

AN ACT Relating to controlled substances; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; providing penalties; and declaring an emergency.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2139, by Senators Odegaard, Goltz and Wilson:**

AN ACT Relating to energy facilities; and amending section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2140, by Senators Odegaard and Goltz:**

AN ACT Relating to institutions of higher education; and amending section 3, chapter 28, Laws of 1971 ex. sess. as amended by section 9, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.10.704.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2141, by Senators Day and Moore:**

AN ACT Relating to the practice of pharmacy; amending section 2, chapter 98, Laws of 1935 as last amended by section 40, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.64.003; amending section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 18, Laws of 1973 1st ex. sess. and RCW 18.64.005; amending section 19, chapter 38, Laws of 1963 and RCW 18.64.007; amending section 1, chapter 82, Laws of 1969 ex. sess. and RCW 18.64.009; amending section 1, chapter 38, Laws of 1963 and RCW 18.64.011; amending section 1, chapter 121, Laws of 1899 and RCW 18.64.020; amending section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 2, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949 as last amended by section 3, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899 as last amended by section 4, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.047;

amending section 1, chapter 9, Laws of 1972 ex. sess. and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 6, chapter 201, Laws of 1971 ex. sess. and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909 as amended by section 10, chapter 38, Laws of 1963 and RCW 18.64.160; amending section 15, chapter 38, Laws of 1963 and RCW 18.64.165; amending section 1, chapter 28, Laws of 1939 and RCW 18.64.245; amending section 13, chapter 121, Laws of 1899 as last amended by section 12, chapter 38, Laws of 1963 and RCW 18.64.250; adding new sections to chapter 18.64 RCW; repealing section 9, chapter 180, Laws of 1923, section 8, chapter 38, Laws of 1963 and RCW 18.64.110; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2142, by Senators Gaspard, Bottiger, Goltz and Woody:

AN ACT Relating to livestock; amending section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24.320; amending section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080; and amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100.

Referred to Committee on Agriculture.

SENATE BILL NO. 2143, by Senators McDermott, Talmadge, North and Fleming:

AN ACT Relating to education; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312; amending section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 43, Laws of 1975 and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 43, Laws of 1975 and RCW 28A.57.344; amending section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357; amending section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358; amending section 9, chapter 131, Laws of 1969 as amended by section 5, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.425; amending section 10, chapter 131, Laws of 1969 as amended by section 6, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.435; amending section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.180; amending section 29.21.210, chapter 9, Laws of 1965 as last amended by section 8, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.210; and creating a new section.

#### MOTION

On motion of Senator McDermott, Senate Bill No. 2143 was referred to the Committee on Education.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2144, by Senators Bottiger, Gaspard, Goltz and Woody:

AN ACT Relating to rewards; amending section 1, page 124, Laws of 1886 as amended by section 1, chapter 25, Laws of 1975-'76 2nd ex. sess. and RCW 10.85-.030; amending section 3, page 124, Laws of 1886 and RCW 10.85.040; amending section 2, page 124, Laws of 1886 and RCW 10.85.050; amending section 43.06-.010, chapter 8, Laws of 1965 as last amended by section 15, chapter 289, Laws of 1977 ex. sess. and RCW 43.06.010; repealing section 1, page 283, Laws of 1877, section 1290, Code of 1881 and RCW 10.85.020; repealing section 2, page 284, Laws of 1877, section 1291, Code of 1881, section 9, chapter 106, Laws of 1973 and RCW 10.85.025; and declaring an emergency.

Referred to Judiciary Committee.

**SENATE BILL NO. 2145**, by Senators Guess, Matson, Rasmussen, Pullen and Hayner:

AN ACT Relating to property taxes; and reenacting and amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 187, Laws of 1973 1st ex. sess. and by section 96, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.030.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2146**, by Senators Rasmussen, Donohue, Guess, Henry, Van Hollebeke, Shinpoch and Talley:

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

Referred to Committee on Transportation.

**SENATE BILL NO. 2147**, by Senators Williams, Lee, Talmadge and Conner: AN ACT Relating to food; and adding a new section to chapter 69.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 2148**, by Senators Donohue, McDermott and Scott (by Executive request):

AN ACT Relating to state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures; making other appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2149**, by Senators McDermott, Matson, Ridder and Talmadge:

AN ACT Relating to education; providing for bilingual instruction in the common schools; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; making an appropriation; and making effective dates.

Referred to Committee on Education.

**SENATE BILL NO. 2150**, by Senators Henry, Bausch and Jones:

AN ACT Relating to motor vehicles; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130; amending section 20, chapter 241, Laws of 1969 ex. sess. as amended by section 3, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.18.292; adding a new section to chapter 48.22 RCW; and providing an expiration date.

Referred to Committee on Financial Institutions and Insurance.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2120, 2121, 2122, 2126, 2127, 2128, 2138, 2142, 2143, 2144, 2145, 2146, 2147, 2149.

## INTRODUCTION AND FIRST READING

**HOUSE CONCURRENT RESOLUTION NO. 1**, by Representatives King and Polk: Convening a joint session of the legislature to hear an address by Governor Dixy Lee Ray.

## MOTIONS

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

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

#### MOTION

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

#### SENATE RESOLUTION 1979-6

By Senators Conner, Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognil, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn and Woody:

WHEREAS, It was with deep sorrow that the Senate learned of the passing of the Honorable Charles C. Ralls of Redmond, combat war veteran of the U.S. Marine Corps, distinguished attorney, jurist and public servant; and

WHEREAS, Charlie Ralls was well known to the members of the Legislature, through his untiring efforts in behalf of war veterans, their families and survivors and as national commander of the U.S. Veterans of Foreign Wars; and

WHEREAS, As state director of civil defense and in six years as regional director of the U.S. Civil Defense Department, Lieutenant Colonel Ralls had utilized his knowledge of military and governmental matters in an extensive way in assuring the safety of the citizens of the State of Washington; and

WHEREAS, Charlie Ralls' career as an attorney and as a chief deputy for the King County prosecutor was capped by his service as Judge for the Northeast District Court of King County, at Redmond; and

WHEREAS, Judge Ralls had just retired from his position on the District Court bench, after eight years of service, on January 5, 1979; and

WHEREAS, In his justice court, Judge Ralls was known for his humor and warmth as well as for his understanding of the quality of justice; and

WHEREAS, The Senate desires to let the members of the family know of its collective expression of sorrow and condolence in their loss;

NOW, THEREFORE BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That our most sincere condolences are extended to Charles Ralls of Woodinville and Richard Ralls of Chicago, Illinois, sons of Judge Ralls and other members of the family, and to all those acquainted with this distinguished Washington State Citizen; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby instructed to prepare a suitable copy of this resolution for presentation to the Ralls family.

#### MOTION

At 11:35 a.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 12, 1979.

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

## FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 12, 1979.

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

The Color Guard, consisting of Pages Margo Waldroup and William McLean, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, FATHER OF ALL MANKIND, WE LIFT OUR PRAYERS TO YOU AT THIS HOUR TO RECOGNIZE YOU AS THE SOURCE OF LIFE AND ALL THAT MAKES LIFE MEANINGFUL. AND YET MANY CITIZENS OF OUR STATE AND NATION STRUGGLE DAILY FOR THE BASIC NECESSITIES OF LIFE—FOOD, HOUSING, HEALTH, EDUCATION, JOBS, AND THE RESOURCES NECESSARY TO PROVIDE THESE FOR THEMSELVES AND THEIR FAMILIES.

"SO MAY THESE CRITICAL NEEDS OF OUR FELLOW CITIZENS BURN INTO OUR AWARENESS, AND MAY WE NOT TURN OUR BACKS ON THEM. GUIDE THESE SENATORS TODAY AS THEY CONSIDER THESE NEEDS AND POTENTIAL WAYS OF MEETING THEM, BOTH IN THIS SESSION AND IN THE COMMITTEES WHERE THEY SERVE. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEE

January 11, 1979.

SENATE BILL NO. 2065, reenacting authorization for certain urban arterial bonds, (reported by Committee on Transportation):

Recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Keefe, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 11, 1979.

SENATE BILL NO. 2066, making various changes in the taxation of travel trailers and campers (reported by Committee on Transportation):

Recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Keefe, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 11, 1979.

SENATE BILL NO. 2067, making various changes in driver licensing laws, (reported by Committee on Transportation):

Recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Keefe, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 11, 1979.

SENATE BILL NO. 2069, permitting refund of vehicle license fees paid in advance and never used, (reported by Committee on Transportation):

Recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Keefe, Lee Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 12, 1979.

SENATE BILL NO. 2119, revising the business corporation act, (reported by Committee on Judiciary):

Recommendation: Do pass as amended.

Signed by: Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for Second Reading.

January 11, 1979.

SENATE BILL NO. 2131, appropriating moneys to surplus and donated food commodities revolving fund for 79-81 biennium, (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for Second Reading.

January 11, 1979.

SENATE BILL NO. 2143, changing descriptive designation of certain first class districts in class AA counties, (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for Second Reading.

## REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

January 11, 1979.

GERALD THOMPSON, to the position of Secretary of the Department of Social and Health Services, appointed by the Governor on July 1, 1978 for the term ending at the pleasure of the Governor, succeeding Harlan McNutt (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

## MESSAGE FROM THE HOUSE

January 12, 1979.

Mr. President: The House had adopted: HOUSE JOINT MEMORIAL NO. 3, and the same is herewith transmitted.

VITO T. CHIECHI, Co-Chief Clerk.  
DEAN R. FOSTER, Co-Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2151, by Senators Goltz and Morrison:

AN ACT Relating to self-insurers for industrial insurance purposes; amending section 80, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.173; creating new sections; and adding a new section to chapter 289, Laws of 1971 ex. sess. and to chapter 51.14 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2152, by Senators Donohue and Matson:

AN ACT Relating to revenue and taxation; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2153, by Senator Van Hollebeke:

AN ACT Relating to the regulation of rental agencies; creating a new chapter in Title 18 RCW; defining crimes; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 2154, by Senators Goltz and Benitz:

AN ACT Relating to community college programs for military personnel; and amending section 3, chapter 105, Laws of 1973 and RCW 28B.50.094.

Referred to Committee on Higher Education.

SENATE BILL NO. 2155, by Senators McDermott, Ridder, Gaspard and Gould (by Superintendent of Public Instruction request):

AN ACT Relating to the provision of food services by school districts; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 107, Laws of 1973 and RCW 28A.58.136; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2156, by Senators McDermott, Gaspard, Ridder and Wojahn (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754; amending section 2, chapter 46, Laws of 1973 as last amended by section 4, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 5, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.140; amending section 28A.58.190, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.190; amending section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.760; amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170; amending section 18, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.758; and creating a new section.

Referred to Committee on Education.

**SENATE BILL NO. 2157, by Senators Bausch and Bluechel:**

AN ACT Relating to savings and loan associations; amending section 95, chapter 235, Laws of 1945 as amended by section 22, chapter 130, Laws of 1973 and RCW 33.04.020; amending section 10, chapter 235, Laws of 1945 and RCW 33.08.090; amending section 35, chapter 235, Laws of 1945 as last amended by section 2, chapter 71, Laws of 1953 and RCW 33.12.060; amending section 28, chapter 235, Laws of 1945 and RCW 33.16.130; amending section 54, chapter 235, Laws of 1945 as amended by section 5, chapter 71, Laws of 1953 and RCW 33.20.150; amending section 58, chapter 235, Laws of 1945 as last amended by section 7, chapter 246, Laws of 1963 and RCW 33.24.010; amending section 67, chapter 235, Laws of 1945 as last amended by section 5, chapter 107, Laws of 1969 and RCW 33.24.100; amending section 69, chapter 235, Laws of 1945 as last amended by section 26, chapter 130, Laws of 1973 and RCW 33.24.120; amending section 74, chapter 235, Laws of 1945 as last amended by section 6, chapter 280, Laws of 1959 and RCW 33.24.170; amending section 7, chapter 49, Laws of 1967 as amended by section 24, chapter 130, Laws of 1973 and RCW 33.24.230; amending section 8, chapter 49, Laws of 1967 and RCW 33.24.240; amending section 27, chapter 130, Laws of 1973 and RCW 33.24.295; amending section 2, chapter 130, Laws of 1973 and RCW 33.24.360; amending section 5, chapter 122, Laws of 1955 and RCW 33.48.040; adding new sections to chapter 33.24 RCW; and adding a new section to chapter 33.48 RCW.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 2158, by Senators Wilson, North, Bluechel, Bottiger, Williams, Gaspard, Gould, Goltz and Hansen:**

AN ACT Relating to conveyances of conservation rights; adding a new section to chapter 64.04 RCW; and declaring an emergency.

Referred to Committee on Local Government.

**SENATE BILL NO. 2159, by Senators Conner, Odegaard and Peterson:**

AN ACT Relating to public lands and materials; amending section 2, chapter 107, Laws of 1975 1st ex. sess. and RCW 79.08.015; amending section 50, chapter 255, Laws of 1927 as last amended by section 1, chapter 45, Laws of 1975 1st ex. sess. and RCW 79.01.200; and amending section 51, chapter 255, Laws of 1927 as last amended by section 4, chapter 73, Laws of 1961 and RCW 79.01.204.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2160, by Senator Wilson:**

AN ACT Relating to local government.

Referred to Committee on Local Government.

**SENATE BILL NO. 2161, by Senators Wilson, Walgren, Lewis, North, Gaspard, Gallagher and Vognild:**

AN ACT Relating to financial responsibility; amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090; amending section 26, chapter 169, Laws of 1963 as amended by section 2, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.260; amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390; amending section 49, chapter 169, Laws of 1963 as amended by section 4, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.490; and amending section 55, chapter 169, Laws of 1963 as amended by section 5, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.550.

Referred to Committee on Local Government.

**SENATE BILL NO. 2162, by Senator Van Hollebeke:**

AN ACT Relating to financial responsibility; amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090; amending section 26, chapter 169, Laws of 1963 as amended by section 2, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.260; amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390; amending section 49, chapter 169, Laws of 1963 as amended by section 4, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.490; and amending section 55, chapter 169, Laws of 1963 as amended by section 5, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.550.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 2163, by Senators Morrison and Talmadge:**

AN ACT Relating to municipal courts; and amending section 55, chapter 299, Laws of 1961 and RCW 3.50.060.

Referred to Judiciary Committee.

**SENATE BILL NO. 2164, by Senator Morrison:**

AN ACT Relating to school districts; and amending section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415.

Referred to Committee on Education.

**SENATE BILL NO. 2165, by Senators Talley, Henry and Guess:**

AN ACT Relating to airports; adding new sections to chapter 47.68 RCW; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2166, by Senators Van Hollebeke, Clarke and Wojahn (by Judicial Council request):**

AN ACT Relating to juries; amending section 2, chapter 57, Laws of 1911 as amended by section 1, chapter 39, Laws of 1967 and RCW 2.36.080; amending section 7, chapter 57, Laws of 1911 and RCW 2.36.100; amending section 10, page 74, Laws of 1866 as amended by section 2351, Code of 1881 and RCW 2.36.120; amending section 72.23.050, chapter 28, Laws of 1959 and RCW 72.23.050; amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 92, Laws of 1967 and RCW 2.36.060; adding a new section to chapter 162, Laws of 1937 and to chapter 50.20 RCW; decodifying RCW 2.36.120 and recodifying it in chapter 80.36 RCW; repealing section 218, page 53, Laws of 1869, section 218, page 45, Laws of 1877, section 214, Code of 1881 and RCW 4.44.200; and repealing section 90, chapter 130, Laws of 1943 and RCW 38.40.090.

Referred to Judiciary Committee.

**SENATE BILL NO. 2167, by Senators Van Hollebeke, Clarke and Wojahn (by Judicial Council request):**

AN ACT Relating to attorneys' fees in eminent domain proceedings; and amending section 3, chapter 137, Laws of 1967 ex. sess. as amended by section 3, chapter 39, Laws of 1971 ex. sess. and RCW 8.25.070.

Referred to Judiciary Committee.

**SENATE BILL NO. 2168, by Senators Marsh, Clarke and Hayner (by Judicial Council request):**

AN ACT Relating to justices of the peace and justice courts; amending section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020; amending section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020; and amending section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40.010.

Referred to Judiciary Committee.

**SENATE BILL NO. 2169**, by Senators McDermott, Van Hollebeke and Scott:  
AN ACT Relating to the sale of intoxicating liquors on the grounds of the University of Washington; and amending section 1, chapter 75, Laws of 1895 as last amended by section 1, chapter 68, Laws of 1975 1st ex. sess. and RCW 66.44.190.  
Referred to Committee on Commerce.

**SENATE BILL NO. 2170**, by Senators Day, Wanamaker, Clarke and Ridder:  
AN ACT Relating to death; enacting the uniform brain death act; creating new sections; and adding new sections to Title 68 RCW as a new chapter thereof.  
Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2171**, by Senators Marsh, Jones, Clarke and Hayner (by Department of Social and Health Services request):

AN ACT Relating to mental health; amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.150; amending section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.170; amending section 23, chapter 142, Laws of 1973 1st ex. sess. as amended by section 11, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. as amended by section 12, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.190; amending section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230; amending section 29, chapter 142, Laws of 1973 1st ex. sess. as amended by section 16, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.240; amending section 30, chapter 142, Laws of 1973 1st ex. sess. as amended by section 17, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.250; amending section 31, chapter 142, Laws of 1973 1st ex. sess. as amended by section 18, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.260; amending section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.280; amending section 34, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.290; amending section 39, chapter 142, Laws of 1973 1st ex. sess. as amended by section 24, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.340; amending section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.390; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 11, chapter 199, Laws of 1975 1st ex. sess. and RCW 72.23.070; amending section 72.06.060, chapter 28, Laws of 1959 as amended by section 47, chapter 80, Laws of 1977 ex. sess. and RCW 72.06.060; amending section 72.23.020, chapter 28, Laws of 1959 and RCW 72.23.020; amending section 3, chapter 59, Laws of 1972 ex. sess. and RCW 72.68.035; and amending section 9, chapter 117, Laws of 1973 1st ex. sess. as amended by section 8, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.090.  
Referred to Judiciary Committee.

**SENATE BILL NO. 2172**, by Senators Van Hollebeke, Clarke and Wojahn (by Judicial Council request):

AN ACT Relating to judicial review of administrative agencies; and adding a new section to chapter 34.04 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2173, by Senators Talmadge, Clarke and Woody:

AN ACT Relating to superior court commissioners; amending section 1, chapter 124, Laws of 1909 as last amended by section 1, chapter 87, Laws of 1967 ex. sess. and RCW 2.24.010; and amending section 2, chapter 124, Laws of 1909 as amended by section 1, chapter 188, Laws of 1963 and RCW 2.24.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2174, by Senator Van Hollebeke:

AN ACT Relating to drug-related paraphernalia; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2175, by Senators Woody, Walgren, Clarke, Marsh, Jones and Bottiger:

AN ACT Relating to criminal justice training commissions; and amending section 3, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.030.

Referred to Judiciary Committee.

SENATE BILL NO. 2176, by Senators Donohue, Shinpoch and Scott (by State Treasurer request):

AN ACT Relating to a limitation on state debts; and amending section 6, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2177, by Senators Wilson, Walgren, North, Gallagher and Woody:

AN ACT Relating to county roads; and amending section 36.77.060, chapter 4, Laws of 1963 as amended by section 1, chapter 32, Laws of 1977 ex. sess. and RCW 36.77.060.

Referred to Committee on Local Government.

SENATE BILL NO. 2178, by Senators Marsh, Clarke, Talmadge, Woody, Hayner and Vognild:

AN ACT Relating to guardianship; amending section 6, chapter 95, Laws of 1975 1st ex. sess. as amended by section 10, chapter 309, Laws of 1977 ex. sess. and RCW 11.88.125; and amending section 11.92.040, chapter 145, Laws of 1965 as last amended by section 13, chapter 309, Laws of 1977 ex. sess. and RCW 11.92.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2179, by Senators von Reichbauer and Lewis (by State Parks and Recreation Commission request):

AN ACT Relating to state parks and recreation commission law enforcement and training; adding a new section to chapter 43.51 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2180, by Senators Gaspard, Hansen, Benitz, Wilson, Day, Wanamaker and Hayner:

AN ACT Relating to agriculture; adding new sections to chapter 7.48 RCW; and creating a new section.

Referred to Committee on Agriculture.

SENATE BILL NO. 2181, by Senators Rasmussen, Donohue, Scott, Odegaard, Marsh, Matson, Shinpoch, Gaspard, Gallagher, von Reichbauer, Lewis, Pullen, Newschwander, Clarke, Bottiger, Day, North, McDermott, Peterson, Walgren, Wilson, Moore, Talmadge, Hansen, Guess, Wojahn, Ridder, Goltz,

Conner, Fleming, Talley, Wanamaker, Quigg, Jones, Lee, Benitz, Sellar, Bluechel, Morrison, Hayner, Van Hollebeke, Woody, Bausch and Vognild:

AN ACT Relating to inheritance; amending section 2, chapter 292, Laws of 1961 and RCW 83.04.010; amending section 3, chapter 292, Laws of 1961 and RCW 83.04.013; amending section 83.04.030, chapter 15, Laws of 1961 as amended by section 9, chapter 292, Laws of 1961 and RCW 83.04.030; amending section 83.04.080, chapter 15, Laws of 1961 and RCW 83.04.080; amending section 83.05-.020, chapter 15, Laws of 1961 and RCW 83.05.020; amending section 83.08.050, chapter 15, Laws of 1961 and RCW 83.08.050; amending section 83.16.020, chapter 15, Laws of 1961 as amended by section 108, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.16.020; amending section 83.16.080, chapter 15, Laws of 1961 as amended by section 11, chapter 292, Laws of 1961 and RCW 83.16.080; amending section 11.08.210, chapter 145, Laws of 1965 as amended by section 5, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.210; amending section 83.05.050, chapter 15, Laws of 1961 as amended by section 101, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.05.050; amending section 83.44.080, chapter 15, Laws of 1961 as amended by section 1, chapter 73, Laws of 1969 and RCW 83.44.080; amending section 83.44.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 132, Laws of 1971 ex. sess. and RCW 83.44.010; amending section 83.16.010, chapter 15, Laws of 1961 and RCW 83.16.010; amending section 83.20.010, chapter 15, Laws of 1961 and RCW 83.20.010; amending section 19, chapter 292, Laws of 1961 and RCW 83.40.010; amending section 83.40.040, chapter 15, Laws of 1961 as amended by section 12, chapter 28, Laws of 1963 ex. sess. and RCW 83.40.040; amending section 2, chapter 148, Laws of 1973 and RCW 11.86.010; amending section 3, chapter 148, Laws of 1973 and RCW 11.86.020; amending section 4, chapter 148, Laws of 1973 and RCW 11.86.030; amending section 5, chapter 148, Laws of 1973 and RCW 11.86.040; amending section 6, chapter 148, Laws of 1973 and RCW 11.86.050; amending section 7, chapter 148, Laws of 1973 and RCW 11.86-.060; amending section 8, chapter 148, Laws of 1973 and RCW 11.86.070; adding a new section to chapter 11.08 RCW; adding a new section to chapter 11.86 RCW; adding new sections to chapter 83.04 RCW; adding new sections to chapter 83.08 RCW; adding new sections to chapter 83.16 RCW; adding a new section to chapter 83.20 RCW; adding a new section to chapter 83.44 RCW; creating new sections; repealing section 83.04.050, chapter 15, Laws of 1961 and RCW 83.04.050; repealing section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020; repealing section 83.08.030, chapter 15, Laws of 1961 and RCW 83.08.030; repealing section 83.08.040, chapter 15, Laws of 1961 and RCW 83.08.040; repealing section 1, chapter 11, Laws of 1963 ex. sess. and RCW 83.20.020; repealing section 1, chapter 8, Laws of 1965 ex. sess., section 6, chapter 149, Laws of 1973 1st ex. sess., section 1, chapter 221, Laws of 1973 1st ex. sess. and RCW 83.20.030; repealing section 2, chapter 221, Laws of 1973 1st ex. sess. and RCW 83.20.040; repealing section 83.44.020, chapter 15, Laws of 1961 and RCW 83.44.020; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2182, by Senators Rasmussen, Donohue, Scott, Odegaard, Walgren, Matson, Shinpoch, Gaspard, Conner, Jones, Lewis, Van Hollebeke, Woody, Hayner, Morrison, Lee, Sellar, Bluechel, Goltz, Hansen, Talley, Fleming, Wanamaker, Guess, Talmadge, Wilson, Quigg, Benitz, Wojahn, Ridder, Day, Gallaghan, Newschwander, Pullen, Clarke, McDermott, North, Bottiger, von Reichbauer, Moore, Peterson, Bausch and Vognild:

AN ACT Relating to gift taxes; adding a new chapter to Title 83 RCW; repealing section 83.56.005, chapter 15, Laws of 1961 and RCW 83.56.005; repealing section 83.56.010, chapter 15, Laws of 1961 and RCW 83.56.010; repealing section 83.56.020, chapter 15, Laws of 1961 and RCW 83.56.020; repealing section

83.56.030, chapter 15, Laws of 1961, section 2, chapter 274, Laws of 1969 ex. sess. and RCW 83.56.030; repealing section 83.56.040, chapter 15, Laws of 1961 and RCW 83.56.040; repealing section 83.56.050, chapter 15, Laws of 1961, section 1, chapter 67, Laws of 1965 ex. sess., section 69, chapter 292, Laws of 1971 ex. sess., section 1, chapter 146, Laws of 1973 1st ex. sess. and RCW 83.56.050; repealing section 83.56.060, chapter 15, Laws of 1961 and RCW 83.56.060; repealing section 83.56.070, chapter 15, Laws of 1961 and RCW 83.56.070; repealing section 83.56.080, chapter 15, Laws of 1961, section 125, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.080; repealing section 83.56.090, chapter 15, Laws of 1961, section 126, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.090; repealing section 83.56.100, chapter 15, Laws of 1961, section 127, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.100; repealing section 83.56.110, chapter 15, Laws of 1961, section 128, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.110; repealing section 83.56.120, chapter 15, Laws of 1961 and RCW 83.56.120; repealing section 83.56.130, chapter 15, Laws of 1961, section 129, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.130; repealing section 83.56.140, chapter 15, Laws of 1961, section 130, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.140; repealing section 83.56.150, chapter 15, Laws of 1961, section 131, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.150; repealing section 83.56.160, chapter 15, Laws of 1961, section 151, chapter 81, Laws of 1971 and RCW 83.56.160; repealing section 83.56.170, chapter 15, Laws of 1961, section 132, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.170; repealing section 83.56.180, chapter 15, Laws of 1961, section 133, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.180; repealing section 83.56.190, chapter 15, Laws of 1961 and RCW 83.56.190; repealing section 83.56.200, chapter 15, Laws of 1961, section 134, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.200; repealing section 83.56.210, chapter 15, Laws of 1961, section 135, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.210; repealing section 83.56.220, chapter 15, Laws of 1961, section 136, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.220; repealing section 83.56.230, chapter 15, Laws of 1961 and RCW 83.56.230; repealing section 83.56.240, chapter 15, Laws of 1961, section 137, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.240; repealing section 83.56.250, chapter 15, Laws of 1961, section 138, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.250; repealing section 83.56.270, chapter 15, Laws of 1961, section 139, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.270; repealing section 83.56.280, chapter 15, Laws of 1961, section 140, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.280; repealing section 83.56.290, chapter 15, Laws of 1961 and RCW 83.56.290; repealing section 83.56.300, chapter 15, Laws of 1961 and RCW 83.56.300; repealing section 83.56.310, chapter 15, Laws of 1961, section 141, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.310; repealing section 83.56.320, chapter 15, Laws of 1961, section 142, chapter 278, Laws of 1975 1st ex. sess. and RCW 83.56.320; repealing section 83.56.900, chapter 15, Laws of 1961 and RCW 83.56.900; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 108, by Senators Talmadge, Clarke and Woody:

Removing constitutional limits as to authorized numbers and duties of court commissioners.

Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 103, by Senators Wilson, Sellar, Talley and Hayner:

Making legislative determinations regarding proposed jail standards.

Referred to Committee on Local Government.

## MOTION

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on Senate Bills 2155, 2156, 2158, 2161, 2170, 2171, 2175, 2177, 2178, 2180, 2181, 2182, SCR 103.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Goltz, the appointment of Representative Phyllis Erickson as a member of the Western Interstate Commission for Higher Education was confirmed.

## APPOINTMENT OF REPRESENTATIVE PHYLLIS ERICKSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, North, Walgren, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Dr. Frederick P. Thieme as a member of the Western Interstate Commission for Higher Education was confirmed.

## APPOINTMENT OF DR. FREDERICK P. THIEME

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, North, Walgren, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Wesley Berglund as a member of the Board of Trustees, The Evergreen State College, was confirmed.

## APPOINTMENT OF WESLEY BERGLUND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—45.

Walgren, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Zachary D. Lueck as a member of the Council on Postsecondary Education was confirmed.

### APPOINTMENT OF ZACHARY D. LUECK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Wood—45.

Excused: Senators Keefe, North, Walgren, Wanamaker—4.

### MOTION

On motion of Senator Goltz, the appointment of Loren Davidson as a member of the Higher Education Personnel Board was confirmed.

### APPOINTMENT OF LOREN DAVIDSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, North, Walgren, Williams—4.

### MOTION

On motion of Senator Marsh, the Senate returned to the fifth order of business.

### POINT OF INFORMATION

Senator Newschwander: "Mr. President, I would like to ask Senator Marsh a question. You are changing the procedures, and we have stopped the confirmations, and we still have three. I am just wondering, with our short sixty day session, whether we are going to not finish the calendar each day, or are we going to proceed each and every day and finish the calendar and get the work of the Senate done?"

Senator Marsh: Senator Newschwander, we are going to handle the most important business of the day everyday that we are here on the floor, and Senator Benitz has told us that House Joint Memorial No. 3 is very emergent. It needs to be considered immediately, and so we have moved back to the fifth order of business to afford him that opportunity."

### INTRODUCTION AND FIRST READING

HOUSE JOINT MEMORIAL NO. 3, by Representatives Oliver, Hastings, Isaacson, Clayton, Struthers, Flanagan and Patterson:

Requesting passage of federal price support legislation for sugar beets.

### MOTIONS

On motion of Senator Marsh, the rules were suspended, House Joint Memorial No. 3 was advanced to second reading and read the second time in full.

On motion of Senator Marsh, the rules were suspended, House Joint Memorial No. 3 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

### POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask a question of either Senator Benitz or Senator Hansen. You indicate here that they need to know whether they will be able to afford to grow sugar beets. In the event that Congress does not pass this subsidy, what crop would they replace it with?"

Senator Benitz: "The most likely crop would be one that is in surplus now, and that is wheat in the area I live. Perhaps Senator Hansen would like to add his comment."

### REMARKS BY SENATOR HANSEN

Senator Hansen: "Wheat, corn beans, and if we were fortunate enough to get an oil processing cracking plant then there would be sunflower and safflower and things like that raised. If we do not come up with the sugar act, those are the types of crops that this land will have to be put into."

### POINT OF INQUIRY

Senator Rasmussen: "One further question, Senator Hansen. Domestically, we grow also, cane sugar in the Hawaiian Islands, and Louisiana. What I am wondering is, what is the difference in the production costs in that and in sugar beets?"

Senator Hansen: "The cane sugar, labor costs are much higher in the continental United States than they are in Cuba. If we rely strictly on imports, cane sugar is just as big a problem as your beet sugar at the present time."

Senator Rasmussen: "Senator, the last question would be, what difference will this make in the retail price if they go to seventeen cents a pound for sugar beets?"

Senator Hansen: "I will have to rely on Senator Benitz for that. About three cents increase over the retail price?"

Senator Benitz: "Yes."

Senator Hansen: "But, you understand the import of foreign sugar is charged tariff which is used to subsidize the American grown product. It is not out of the general fund."

Senator Rasmussen: "That is what I was trying to resolve in my mind, Mr. President, is whether we would be helping the sugar beet growers penalizing the purchaser in the extent of more millions, and I understand that it is a very important industry and I am all for keeping the industry going. But with the millions of dollars involved I am wondering what the trade-off would be, and if some of you have some figures on that."

Senator Hansen: "It will raise about three cents a pound on the American market, but the subsidy is paid out of the import tariff on foreign sugar."

Debate ensued.

## REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President, and members of the body, in thinking through I would like to make one bit of a correction in a statement I made. Actually, it will not increase the price of sugar to the retailer at all because import sugar there is a fee charged. A tax charged on that which takes care of it, and that is where it is. Indirectly something has to go up, but the housewife would not be paying it on the shelf. It would be paid back at the production level, as it has been done for many, many years. That is the way the Sugar Act has worked for a long, long time."

Further debate ensued.

## ROLL CALL

The Secretary called the roll and House Joint Memorial No. 3 passed the Senate by the following vote: Yeas, 37; nays, 8; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Wanamaker, Wilson, Woody—37.

Voting nay: Senators Clarke, Jones, Newschwander, Pullen, Ridder, Scott, Van Hollebeke, Wojahn—8.

Excused: Senators Keefe, North, Walgren, Williams—4.

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

## MOTION

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

## MOTION

On motion of Senator von Reichbauer following resolution was unanimously adopted:

## SENATE RESOLUTION 1979-8

By Senators von Reichbauer, Woody, Vognild and Lewis:

WHEREAS, Ralph E. Mackey has faithfully served for twelve years as member of the Washington State Parks and Recreation Commission, has accomplishment exceeded by no one throughout the history of the commission; and

WHEREAS, His deep concern for our nation's park lands can be demonstrated through his involvement as member of the Board of Directors for the National Society for Park Resources, an organization composed of professional and citizen members who strive to improve parks and recreation facilities and programs in North America; and

WHEREAS, His love for the outdoors and accomplishments in mountaineering are exemplified by numerous personal feats including: conquering Mt. Aconcagua, the highest peak in the Western Hemisphere and thus becoming only the second American to climb the highest peaks in the Northern and Southern Hemisphere; climbing all six major peaks in Washington State; and ascending Mt. McKinley and Mt. Kilimanjaro; and

WHEREAS, His concerns for his fellow man and community can be demonstrated through his involvement with the Everett Rotary Club, Salvation Army, Board of Directors for American Red Cross and the Executive Board of Boy Scouts

of American, American Alpine Club, Mountaineers and Everett Mountain Rescue Unit; and

WHEREAS, He has expanded his family's one hundred and four year old Washington Stove Works to provide the people in the State of Washington and the entire nation with wood burning stoves, a traditional and efficient source of energy for both warmth and cooking;

NOW, THEREFORE, BE IT RESOLVED, That Mr. Ralph E. Mackey be commended as a distinguished citizen for dedicated service on behalf of the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to Mr. Ralph E. Mackey.

#### MOTION

On motion of Senator von Reichbauer the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1979-9

By Senators von Reichbauer, Talley, Lewis and Sellar:

WHEREAS, Kay Green has served the state of Washington for the past six years as a member of the Parks and Recreation Commission; and

WHEREAS, Kay Green has served as both Secretary and Vice Chairman of the Commission for a period totaling three years; and

WHEREAS, Mrs. Green has also devoted much time and energy serving her community as a member of numerous public service organizations including the Chamber of Commerce, United Way, Junior Service League, Heart Association, Mental Health Board, YMCA and Little League; and

WHEREAS, Her public service endeavors have earned her the honor and distinction of being selected one of five Women of Achievement in Cowlitz County in 1975;

NOW, THEREFORE, BE IT RESOLVED, That Mrs. Kay Green be commended as a distinguished citizen for dedicated service on behalf of the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to Mrs. Kay Green and her husband, Ray.

#### MOTION

At 12:15 p.m., on motion of Senator Marsh, the Senate adjourned until 12:00 noon, Monday, January 15, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**EIGHTH DAY**

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**NOON SESSION**

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Senate Chamber, Olympia, Monday, January 15, 1979.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Keefe and North. On motion of Senator Wilson, Senators Bottiger and Keefe were excused. On motion of Senator Jones, Senator North was excused.

The Color Guard, consisting of Pages Teri Bottiger and Douglas Gardner, presented the Colors. Reverend George M. Miller, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, CREATOR OF EACH ONE OF US, AND THE ONE HAS PLANTED WITHIN US THE URGE TO SEEK FOR TRUTH AND JUSTICE; THESE SENATORS COME BEFORE YOU JUST NOW AT THE BEGINNING OF ANOTHER WEEK TO SEEK YOUR WISDOM IN ALL THAT IS DONE DURING THESE COMING DAYS.

"WE ASK FOR UNDERSTANDING AND KNOWLEDGE BEYOND OUR OWN, AND FOR GUIDANCE IN DEALING WITH PROBLEMS BEYOND THE MEASURE OF OUR BEST EFFORTS. IN THIS MOMENT AS WE REACH OUT TO YOU, MAY WE FIND THAT YOU ARE REACHING OUT TO US, AND MAY WE DISCOVER THAT WHEN WE ARE WILLING TO LISTEN, THEN YOU WILL SPEAK WITHIN US. AMEN."

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator Fleming: "Mr. President and members of the Senate. Today is Doctor Martin Luther King Jr.'s fiftieth birthday. Had he lived, today would have been that fiftieth birthday. As you as well as I know, throughout this state, throughout this nation and throughout this world, ceremonies are being held in commemoration of his fiftieth birthday, in many fashions. Be it holiday, be it memorial services and so forth.

"I think this man, a leader of our nation as he was, one without title; governor, president and any other titles of the world, I think this man had more effect on this world in the area of human dignity and the right of our fellow men than anyone in the last century. I think it would be befitting if you, as men and women, who seek out justice in this august body, along with me, would stand in a moment of silence in honor of this great leader. I would appreciate it very much."

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

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2183, by Senators Talley, Conner, Sellar and Goltz:

AN ACT Relating to port districts; and amending section 11, chapter 65, Laws of 1955 as amended by section 56, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.020.

Referred to Committee on Local Government.

SENATE BILL NO. 2184, by Senators Guess, Day, Pullen and Lee:

AN ACT Relating to waste disposal facilities; and amending section 5, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.050.

Referred to Committee on Ecology.

SENATE BILL NO. 2185, by Senator Bausch:

AN ACT Relating to state officers and employees; and amending section 43.01.040, chapter 8, Laws of 1965 as amended by section 1, chapter 13, Laws of 1965 ex. sess. and RCW 43.01.040.

Referred to Committee on State Government.

SENATE BILL NO. 2186, by Senators Bottiger, Benitz and North:

AN ACT Relating to utilities; providing for the regulation of attachments to poles of telephone, telegraph, and electrical companies; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2187, by Senators Goltz, Ridder, Scott and Bausch:

AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2188, by Senators Rasmussen, Ridder, Goltz, Pullen, McDermott and Bausch:

AN ACT Relating to consolidation of civil service systems; amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; amending section 4, chapter 1, Laws of 1961 as amended by section 22, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.040; amending section 1, chapter 11, Laws of 1972 ex. sess. as amended by section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070; amending section 2, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.080; amending section 12, chapter 1, Laws of 1961 as amended by section 2, chapter 43, Laws of 1975-'76 2nd ex. sess. and RCW 41.06.120; amending section 28, chapter 1, Laws of 1961 as amended by section 1, chapter 215, Laws of 1963 and RCW 41.06.280; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; repealing section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010; repealing section 2, chapter 36, Laws of 1969 ex. sess., section 41, chapter 169, Laws of 1977 ex. sess. and RCW 28B.16.020; repealing section 3, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.030; repealing section 4, chapter 36, Laws of 1969 ex. sess., section 1, chapter 94, Laws of 1977 ex. sess. and RCW 28B.16.040; repealing section 5, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.050; repealing section 6, chapter 36, Laws of 1969 ex. sess., section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; repealing section 7, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.070; repealing section 8, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.080; repealing section 9, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.090; repealing section 10, chapter 36, Laws of 1969 ex. sess., section 1, chapter 19, Laws of 1971 ex. sess., section 2, chapter 154, Laws of 1973, section 2, chapter 75, Laws of 1973 1st ex. sess., section 1, chapter 122, Laws of 1975 1st ex. sess., section 8, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.100; repealing section 11, chapter 36, Laws of 1969 ex. sess., section 2, chapter 122, Laws of 1975 1st ex.

sess., section 10, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.110; repealing section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; repealing section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; repealing section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; repealing section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; repealing section 16, chapter 36, Laws of 1969 ex. sess., section 72, chapter 81, Laws of 1971 and RCW 28B.16.160; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; repealing section 17, chapter 36, Laws of 1969 ex. sess., section 3, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.16.180; repealing section 19, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.190; repealing section 20, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.200; repealing section 29, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.210; repealing section 31, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.220; repealing section 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; repealing section 18, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.900; repealing section 27, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.910; repealing section 30, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.920; repealing section 28, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.930; repealing section 9, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.101; repealing section 13, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.105; repealing section 12, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.113; prescribing an effective date; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2189, by Senator Bottiger:

AN ACT Relating to superior courts; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.020; and amending section 2, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.026.

Referred to Judiciary Committee.

SENATE BILL NO. 2190, by Senator Bottiger:

AN ACT Relating to utility system charges; and adding new sections to Title 60 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2191, by Senators Bottiger, Benitz, Hayner and Lee:

AN ACT Relating to geothermal resources; and amending section 4, chapter 43, Laws of 1974 ex. sess. and RCW 79.76.040.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2192, by Senators Bausch, Odegaard, Rasmussen, Pullen and Newschwander:

AN ACT Relating to state employees; establishing an attendance incentive program; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2193, by Senators Guess, Henry and Bluechel:

AN ACT Relating to revenue and taxation; amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45.010; amending and reenacting section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 166, Laws of 1977 ex. sess., by section 1, chapter 179, Laws of 1977 ex. sess. and by section 1, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.08.030; and amending and reenacting section 82.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 166, Laws of 1977 ex. sess., by section

111, chapter 169, Laws of 1977 ex. sess., and by section 2, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.12.030.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2194**, by Senators Ridder, Scott and Goltz:

AN ACT Relating to institutions of higher education; amending section 1, chapter 258, Laws of 1971 ex. sess. as amended by section 14, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.350; amending section 28B.50.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.330; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2195**, by Senators Conner, Talley, Sellar and Goltz:

AN ACT Relating to port districts; and amending section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100.

Referred to Committee on Local Government.

**SENATE BILL NO. 2196**, by Senator Bausch:

AN ACT Relating to public employment; adding a new section to chapter 41.06 RCW; adding a new section to chapter 28B.16 RCW; and prescribing penalties.

Referred to Committee on State Government.

**SENATE BILL NO. 2197**, by Senators Bottiger, Benitz, Hayner and North:

AN ACT Relating to energy and utilities; adding a new chapter to Title 70 RCW; and prescribing an effective date.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2198**, by Senator Bottiger:

AN ACT Relating to energy and utilities; and adding a new chapter to Title 19 RCW.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2199**, by Senators Bottiger and Benitz:

AN ACT Relating to utilities and transportation; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; and adding a new section chapter 14, Laws of 1961 and to chapter 80.01 RCW.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2200**, by Senators North and Lee:

AN ACT Relating to subdivisions of land; and adding new sections to chapter 58.17 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 2201**, by Senators North, Woody and Hayner:

AN ACT Relating to utilities; and creating new sections.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2202**, by Senators Woody, North and Hayner:

AN ACT Relating to energy and utilities; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2203**, by Senators Bottiger and North:

AN ACT Relating to public water systems; and adding a new section to chapter 70.116 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2204, by Senators Woody, Odegaard, Conner, Peterson, Newschwander, von Reichbauer and Talley:

AN ACT Relating to hunting and fishing licenses; amending section 77.32.010, chapter 36, Laws of 1955 as amended by section 1, chapter 245, Laws of 1959 and RCW 77.32.010; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2205, by Senators Bottiger, Benitz and Hayner:

AN ACT Relating to pipe lines; amending section 81.88.020, chapter 14, Laws of 1961 and RCW 81.88.020; and amending section 81.88.030, chapter 14, Laws of 1961 and RCW 81.88.030.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2206, by Senators Hansen, Gaspard, Day, Wanamaker and Benitz (by Department of Agriculture request):

AN ACT Relating to commercial feed; and amending section 6, chapter 31, Laws of 1965 ex. sess. as last amended by section 5, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.9018.

Referred to Committee on Agriculture.

SENATE BILL NO. 2207, by Senators Lee and Moore:

Referred to Committee on Local Government.

AN ACT Relating to the establishment of community corporations within counties and cities and defining their powers and duties; and adding a new chapter to Title 36 RCW.

SENATE BILL NO. 2208, by Senators Bottiger and North:

AN ACT Relating to taxation of transportation and communication services; amending section 82.04.460, chapter 15, Laws of 1961 as amended by section 9, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.460; amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 368, Laws of 1977 ex. sess. and RCW 82.16.050; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2209, by Senators Wanamaker, Henry, Sellar and Donohue:

AN ACT Relating to motor vehicles; adding a new section to chapter 46.12 RCW; defining crimes; and providing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2210, by Senators Clarke, Van Hollebeke, Wojahn, Guess and Lee (by Judicial Council request):

AN ACT Relating to motor vehicle offenses; amending section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230; amending section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170; amending section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120; amending section 18, chapter 47, Laws of 1971 ex. sess. as amended by section 11, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.130; amending section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 13, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.130; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 46.16.090, chapter 12, Laws of

1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; amending section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138; amending section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140; amending section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145; amending section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; amending section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585; amending section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171; amending section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270; amending section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311; amending section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329; amending section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050; amending section 28, chapter 169, Laws of 1963 and RCW 46.29.280; amending section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300; amending section 60, chapter 169, Laws of 1963 and RCW 46.29.600; amending section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010; amending section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32.050; amending section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010; amending section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37.188; amending section 1, chapter 77, Laws of 1971 and RCW 46.37.423; amending section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424; amending section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.047; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.130; amending section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.140; amending section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.175; amending section 46.48.175, chapter 12, Laws of 1961 and RCW 46.48.175; amending section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52.010; amending section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020; amending section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110; amending section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last

amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130; amending section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500; amending section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32, Laws of 1967 and RCW 46.61.525; amending section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61.535; amending section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61.665; amending section 1, chapter 151, Laws of 1961 and RCW 46.61.680; amending section 1, chapter 259, Laws of 1961 and RCW 46.61.690; amending section 79, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.750; amending section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 46.76.080, chapter 12, Laws of 1961 and RCW 46.76.080; amending section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030; amending section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83.060; amending section 25, chapter 106, Laws of 1963 and RCW 46.85.250; amending section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.345; amending section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.560; adding a new chapter to Title 46 RCW; repealing section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010; and prescribing an effective date.

Referred to Judiciary Committee.

**SENATE BILL NO. 2211**, by Senators Conner and Clarke (by Department of Social and Health Services request):

AN ACT Relating to social and health services; amending section 6, chapter 206, Laws of 1963 as amended by section 14, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.210; amending section 15, chapter 206, Laws of 1963 as amended by section 3, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.300; amending section 74.04.290, chapter 26, Laws of 1959 as amended by section 2, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.290; amending section 2, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.020; amending section 3, chapter 164, Laws of 1971 ex. sess. as amended by section 4, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.030; amending section 6, chapter 164, Laws of 1971 ex. sess. as amended by section 7, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.060; amending section 8, chapter 164, Laws of 1971 ex. sess. as amended by section 9, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.080; amending section 11, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.110; amending section 16, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.160; amending section 20, chapter 164, Laws of 1971 ex. sess. as amended by section 18, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.200; amending section 7, chapter 322, Laws of 1959 and RCW 74.20.060; amending section 9, chapter 164, Laws of 1971 ex. sess. as amended by section 10, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.090; amending section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 41, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.040; amending section 25, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.055; amending section 16, chapter 173, Laws of 1969 ex. sess. as amended by section 2, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.101; amending section 74.09.180, chapter 26, Laws of 1959 as last amended by section 1, chapter 306, Laws of 1971 ex. sess. and RCW 74.09.180; amending section 11, chapter 206, Laws of 1963 and RCW 74.20.260; amending section 22, chapter 164, Laws of 1971 ex. sess. as amended by section 20, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.220; amending section 25, chapter 164, Laws of 1971 ex. sess. as amended by section 23, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.250; amending

section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030; adding a new section to chapter 74.04 RCW; adding new sections to chapter 74.20 RCW; adding new sections to chapter 74.20A RCW; creating a new section; repealing section 5, chapter 164, Laws of 1971 ex. sess., section 6, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.050; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2212, by Senators Woody, Henry, von Reichbauer, Benitz, Conner and Gaspard:

AN ACT Relating to the Washington National Guard; creating new sections; and adding new sections to chapter 38.40 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2213, by Senators Marsh, Talmadge, Hayner, Clarke and Jones:

AN ACT Relating to juveniles; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; amending section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; amending section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; amending section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; amending section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; amending section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; amending section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; amending section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; amending section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120;

amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; adding a new section to chapter 13.04 RCW; adding new sections to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; and declaring an emergency.

Referred to Judiciary Committee.

**SENATE JOINT RESOLUTION NO. 109**, by Senators Fleming, Scott, Van Hollebeke, Gould, Talmadge, Lee, Bottiger, Moore, Wojahn and Ridder:

Ratifying a proposed amendment to the U. S. Constitution providing for representation of the District of Columbia in the Congress.

Referred to Committee on Constitution and Elections.

**SENATE JOINT RESOLUTION NO. 110**, by Senators Walgren, Odegaard, Newschwander, Matson and Clarke:

Authorizing annual legislative sessions.

Referred to Committee on Constitution and Elections.

**SENATE JOINT RESOLUTION NO. 111**, by Senators Lewis, Henry and Pullen (by State Auditor request):

Authorizing the legislature to direct audits of any entity in the judicial branch.

Referred to Committee on Constitution and Elections.

## MOTION

On motion of Senator Walgren, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2183, 2184, 2187, 2188, 2191, 2192, 2195, 2197, 2204, 2206, 2209, 2210, 2212, 2213, SJR 109, SJR 110.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Goltz, the appointment of Ms. Jane B. Sylvester as a member of the Board of Trustees of The Evergreen State College was confirmed.

## APPOINTMENT OF MS. JANE B. SYLVESTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Lysen—1.

Excused: Senators Bottiger, Keefe, North—3.

### MOTION

On motion of Senator Goltz, the appointment of Arthur Anderson as a member of the Council for Postsecondary Education was confirmed.

### APPOINTMENT OF ARTHUR ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Keefe, North—3.

### MOTION

On motion of Senator Goltz, the appointment Louis Soriano as a member of the State Board for Community College Education was confirmed.

### APPOINTMENT OF LOUIS SORIANO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Keefe, North—3.

### MOTION

Senator Moore moved adoption of the following resolution:

#### SENATE RESOLUTION 1979-7

By Senators Moore, Fleming, Lysen and McDermott:

WHEREAS, On Wednesday, January 10, 1979, the Reverend A. A. Lemieux, S. J., died at the age of seventy; and

WHEREAS, Father Lemieux was the longest serving president of Seattle University, and his seventeen year tenure from 1948 to 1965 included the school's period of its most ambitious building and expansion; and

WHEREAS, Father Lemieux was named the university's second Chancellor in 1976, after serving in the Administration of several noted Jesuit universities; and

WHEREAS, The civic contributions of Father Lemieux are manifold, and among some of the most outstanding are service as a Trustee of the Century 21 Exposition, a Trustee of the World Affairs Council, an appointee of the Governor to the White House Conference on State Educational Needs, and a member of the Executive Committee of the United Good Neighbors; and

WHEREAS, Father Lemieux received many awards and honors, among them Seattle's First Citizen Award in 1956, The Man of the Year Award in 1959 from

the Seattle Chapter of B'Nai Brith, an Honorary Doctor of Laws Degree in 1962 from Gonzaga University, the Outstanding Civilian Service Medal awarded by the Department of the Army, and the highest honor the French government can bestow, the Officer dans l'Ordre des Palmes Academiques Award presented in recognition of outstanding contributions in the field of education, January 8, 1965;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That it expresses its most sincere sorrow at the loss of Father Lemieux to Seattle University, to the city of Seattle, and to the entire State of Washington; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this Resolution be transmitted by the Secretary of the Senate to the President of Seattle University, the Reverend William J. Sullivan, S. J.

#### REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President, fellow members of the Senate, friends in the gallery, I would like to speak on behalf of this resolution.

"I was a very old and close friend and ally of Father Lemieux. We worked for many years on things pertaining to civil rights, open housing, and I received the Man-of-the-Year award from the B'Nai Brith Lodge the year before he did. The year I received it, he was the man that spoke for me, and I couldn't believe the nice things he said, but I forgave him and we had many laughs after that. I would like to move the adoption of the resolution."

#### REMARKS BY SENATOR LYSEN

Senator Lysen: "Thank you, Mr. President. Ladies and gentlemen of the Senate. I had an opportunity of being a student at Seattle University under Father Lemieux and my wife and I have many fond memories of him and the great contributions he made to our lives and our future.

"Father Lemieux, as you recall, gave the invocation, last Sunday night at the Restaurant Association "Gala". At the time, I commented to my wife that I thought it was very appropriate.

"I have taken the liberty to have his invocation distributed to your desk and I think it might be fitting now to read this prayer which most of us here in this body heard two days before his death. In some ways it is memorable and prophetic.

"With leave of the President I would like to read Father Lemieux's invocation:

'Loving Father, tonight we are gathered in a very gracious and beautiful setting. As we relax in this atmosphere of warmth and celebration, we first turn our hearts to You to offer deep-felt thanks and praise for the gifts of food and drink, the work of human hands, the fruit of the earth and the vine. We also praise and thank You for the companionship we will share at table this evening and ask Your blessing on our lives.

'We praise and thank You for our public servants, our governor, members of the 1979 Washington State Legislature and the 96th Congress. We pray that You will guide them in their forthcoming deliberations and help them to solve with wisdom the complex problems they will face in the public cause.

'We praise and thank You for our distinguished guest from France and the beautiful country of his birth. On this joyful evening, we acknowledge with gratitude our long historic friendship with the French people that has gifted us with so many cultural riches. We are particularly mindful this evening of the superb and unique cuisine — that magic *joie de vivre* — that is so wonderfully French.

'Look with favor especially on all the members of the Hospitality Industry who have made this evening possible. It is industries such as these that with Your guidance have made us a great State, O Lord.

'May the heady wine of Your bounty never dull our senses to the just and to the good. May we all strive to make gentle the harsh realities of human selfishness. You are, indeed, the center of our lives — beginning and end of our journeys; the One alone who will satisfy our deepest hungers and thirst; who will bind us together as brothers and sisters in the hospitality of Your great banquet at the end of time.

'Grant us Your love and blessing as we enter this new year of hope and promise.'

"I thought it might be appropriate just to remind us, because it was just one week ago last evening that this was read to us, and now his funeral will be this afternoon. I think it was a rather remarkable invocation.

"Thank you very much, Mr. President."

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

#### MOTIONS

On motion of Senator Bausch, the Committee on Financial Institutions was relieved of further consideration of Senate Bill No. 2147.

On motion of Senator Bausch, Senate Bill No. 2147 was rereferred to the Judiciary Committee.

#### MOTION

At 12:40 p.m., on motion of Senator Walgren, the adjourned until 11:00 a.m., Tuesday, January 16, 1979.

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

## NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 16, 1979.

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 Gould, Jones and Keefe. On motion of Senator Wilson, Senator Keefe was excused. On motion of Senator Morrison, Senators Gould and Jones were excused.

The Color Guard, consisting of Pages Cheryl Hale and Don Wood, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

**"ETERNAL GOD AND FATHER OF US ALL, HELP EACH OF THESE SENATORS THIS DAY TO BE SENSITIVE NOT ONLY TO THE REAL NEEDS OF THE CITIZENS OF THIS STATE, BUT ALSO TO THE VALUES BEING EXPRESSED THROUGH THE PROGRAMS PROPOSED TO MEET THOSE NEEDS.**

**"GIVE EACH ONE AN UNDERSTANDING NOT ONLY OF THE WISHES OF THOSE WHOM HE OR SHE REPRESENTS, BUT ALSO A VISION OF WHAT YOUR WILL IS. GIVE EACH ONE THE COURAGE TO WITHSTAND THE PRESSURE OF THE SELFISH, BUT ALSO GIVE THE PEOPLE OF THIS STATE THE VISION TO SEE THE NEEDS OF ALL, AND TO ACCEPT THE SACRIFICES WHICH MUST BE SHARED BY ALL. 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 COMMITTEE GUBERNATORIAL APPOINTMENTS

January 15, 1979.

**FRANK M. CUTA**, to the position of member of the Commission for the Blind, appointed by the Governor on September 30, 1977 for the term ending September 30, 1980, (reported by the Committee on Social and Health Services):

**MAJORITY** recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 15, 1979.

**EDWARD S. FOSCUE**, to the position of member of the Commission for the Blind, appointed by the Governor on September 30, 1977 for the term ending September 30, 1979, (reported by the Committee on Social and Health Services):

**MAJORITY** recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 15, 1979.

LUDDY MARTINSON, to the position of member of the Commission for the Blind, appointed by the Governor on September 30, 1977 for the term ending September 30, 1980, (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment to be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules

January 15, 1979.

IRVING S. SMITH, to the position of member of the Commission for the Blind, appointed by the Governor on November 16, 1978 for the term ending September 30, 1981, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 15, 1979.

LORI SWAUGER, to the position of member of the Commission for the Blind, appointed by the Governor on September 30, 1977 for the term ending September 30, 1979, (reported by the Committee on Social and Health Services):

MAJORITY recommends said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 15, 1979.

PHIL WITTMAN, to the position of member of the Board of Prison Terms and Paroles, appointed by the Governor on April 26, 1978 for the term ending April 15, 1983, succeeding J. Franklin Johnson (reported by the Committee on Social and Health Services):

MAJORITY recommends said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

## MESSAGE FROM THE SECRETARY OF STATE

January 16, 1979.

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

MR. PRESIDENT:

My office has completed a statistical sample of signatures filed in support of Initiative to the Legislature No. 61. According to the provisions of RCW 29.79.200, that sampling procedure must indicate that the petition contains at least one hundred ten percent of the requisite number of legal voters.

The statistical sample used in canvassing Initiative Measure No. 61 indicates that whereas the petition appears to contain a number of signatures in excess of the minimum required by the State Constitution, it does not contain one hundred ten percent of the requisite number.

Therefore, in accordance with RCW 29.79.200 and WAC 434-79-010, I have directed that a full canvass be made of the signatures filed in support of the measure. I anticipate that this process will be completed on or before February 21, 1979,

at which time an official report will be given simultaneously to both branches of the Legislature.

Respectfully,  
**BRUCE K. CHAPMAN**  
 Secretary of State

### INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2214**, by Senators Talley, Rasmussen, Peterson and Henry:

AN ACT Relating to elections; providing for a presidential preference primary; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 111, Laws of 1975-'76 2nd ex. sess. and RCW 29.13.010; amending section 29.13.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1975-'76 2nd ex. sess. and RCW 29.13.020; and creating a new chapter in Title 29 RCW.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 2215**, by Senators Talley, Peterson, Donohue and Woody:

AN ACT Relating to crimes relating to animals; adding a new section to chapter 9.08 RCW; repealing section 1, chapter 114, Laws of 1972 and RCW 9.08.060; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 2216**, by Senators Odegaard and Talley:

AN ACT Relating to Silver Lake flood control district; and making an appropriation.

Referred to Committee on Local Government.

**SENATE BILL NO. 2217**, by Senator Shipoch:

AN ACT Relating to personal exemptions; and amending section 2, chapter 57, Laws of 1897 as last amended by section 12, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.16.010.

Referred to Judiciary Committee.

**SENATE BILL NO. 2218**, by Senators Peterson, Conner, Vognild and Wanamaker: (by Department of Natural Resources request):

AN ACT Relating to lands under the jurisdiction of the department of natural resources; and adding a new section to chapter 255, Laws of 1927 and to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2219**, by Senators Morrison and Donohue:

AN ACT Relating to industrial insurance; amending section 51.04.090, chapter 23, Laws of 1961 as amended by section 5, chapter 350, Laws of 1977 ex. sess. and RCW 51.04.090; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 81, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.070; amending section 2, chapter 265, Laws of 1971 ex. sess. as amended by section 2, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.020; section 3, chapter 265, Laws of 1971 ex. sess. as amended by section 3, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.030; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; amending section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; amending and reenacting section 51.16.060, chapter 23, Laws of 1961 as last amended by section 11, chapter 323, Laws of 1977 ex. sess. and by section 26, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 27, chapter 350,

Laws of 1977 ex. sess. and RCW 51.16.105; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140; amending section 51.28.020, chapter 23, Laws of 1961 as last amended by section 33, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.020; amending section 39, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.025; amending section 51.28.030, chapter 23, Laws of 1961 as last amended by section 17, chapter 43, Laws of 1972 ex. sess. and RCW 51.28.030; amending section 46, chapter 289, Laws of 1971 ex. sess. as amended by section 43, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.055; amending and reenacting section 51.32.110, chapter 23, Laws of 1961 as last amended by section 17, chapter 323, Laws of 1977 ex. sess. and by section 50, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.110; amending section 51.32.130, chapter 23, Laws of 1961 and RCW 51.32.130; amending section 47, chapter 289, Laws of 1971 ex. sess. as last amended by section 54, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.190; amending section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 57, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.020; amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050; amending section 53, chapter 289, Laws of 1971 ex. sess. as amended by section 15, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.060; amending section 54, chapter 289, Laws of 1971 ex. sess. as amended by section 60, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.070; amending section 51.44.010, chapter 23, Laws of 1961 and RCW 51.44.010; amending section 51.44.070, chapter 23, Laws of 1961 as last amended by section 56, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.070; amending section 51.48.010, chapter 23, Laws of 1961 as last amended by section 69, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.010; amending section 62, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.015; amending section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017; amending section 51.48.020, chapter 23, Laws of 1961 as last amended by section 22, chapter 323, Laws of 1977 ex. sess. and RCW 51.48.020; amending section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040; amending and reenacting section 51.48.050, chapter 23, Laws of 1961 as amended by section 23, chapter 323, Laws of 1977 ex. sess. and by section 70, chapter 350, Laws of 1977 ex. sess. and RCW 51.48.050; amending section 51.48.090, chapter 23, Laws of 1961 and RCW 51.48.090; amending section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110; adding a new chapter to Title 51 RCW; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.14 RCW; adding new sections to chapter 51.16 RCW; adding a new section to chapter 51.32 RCW; adding new sections to chapter 51.44 RCW; creating new sections; repealing section 88, chapter 289, Laws of 1971 ex. sess., section 5, chapter 43, Laws of 1972 ex. sess., section 5, chapter 323, Laws of 1977 ex. sess. and RCW 51.08.175; repealing section 36, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.070; repealing section 16, chapter 289, Laws of 1971 ex. sess., section 24, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.035; repealing section 51.16.100, chapter 23, Laws of 1961 and RCW 51.16.100; repealing section 51.16.110, chapter 23, Laws of 1961, section 4, chapter 289, Laws of 1971 ex. sess., section 12, chapter 323, Laws of 1977 ex. sess. and RCW 51.16.110; repealing section 51.16.130, chapter 23, Laws of 1961, section 14, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.130; repealing section 26, chapter 43, Laws of 1972 ex. sess., section 55, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.210; repealing section 51.44.020, chapter 23, Laws of 1961 and RCW 51.44.020; repealing section 51.44.030, chapter 23, Laws of 1961 and RCW 51.44.030; repealing section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050; repealing section 51.44.060, chapter 23, Laws of 1961, section 28, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.060; repealing section 51.44.080,

chapter 23, Laws of 1961, section 57, chapter 289, Laws of 1971 ex. sess., section 29, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.080; repealing section 51.44.090, chapter 23, Laws of 1961, section 31, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.090; repealing section 51.44.100, chapter 23, Laws of 1961, section 10, chapter 281, Laws of 1961, section 1, chapter 41, Laws of 1965 ex. sess., section 2, chapter 92, Laws of 1972 ex. sess., section 6, chapter 103, Laws of 1973 1st ex. sess. and RCW 51.44.100; repealing section 58, chapter 289, Laws of 1971 ex. sess., section 30, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.140; repealing section 59, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.150; repealing section 60, chapter 289, Laws of 1971 ex. sess., section 17, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.44.160; defining crimes; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2220, by Senators Sellar and Jones:

AN ACT Relating to the business and occupation tax; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2221, by Senators Marsh, Day, von Reichbauer, Sellar, Gallagher and Talmadge:

AN ACT Relating to medical malpractice; and amending section 1, chapter 144, Laws of 1971 ex. sess. as last amended by section 1, chapter 68, Laws of 1977 and RCW 4.24.250.

Referred to Judiciary Committee.

SENATE BILL NO. 2222, by Senators Day and Sellar:

AN ACT Relating to actions for injuries resulting from health care; and amending section 13, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70-.080.

Referred to Judiciary Committee.

SENATE BILL NO. 2223, by Senators Day, von Reichbauer, Sellar and Jones:

AN ACT Relating to claims; and adding a new section to chapter 4.44 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2224, by Senators Conner, Gaspard, Rasmussen, Talley, Quigg, Walgren, Van Hollebeke, Moore, Peterson, Odegaard, Goltz, Wilson, Bausch, Vognil, Benitz, Wojahn, Talmadge and Morrison:

AN ACT Relating to the volunteer firemen's relief and pension system; amending section 17, chapter 261, Laws of 1945 as last amended by section 2, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.170; and amending section 7, chapter 263, Laws of 1955 as amended by section 9, chapter 118, Laws of 1969 and RCW 41.24.300.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2225, by Senators Odegaard and Talley:

AN ACT Relating to the Silverlake flood control district; and creating a new section.

Referred to Committee on Local Government.

SENATE BILL NO. 2226, by Senators Odegaard and Peterson:

AN ACT Relating to port districts; amending section 1, chapter 91, Laws of 1977 ex. sess. and RCW 53.04.120; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2227, by Senator Pullen:

AN ACT Relating to property taxes; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381; and amending section 28, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2228, by Senators Day, Sellar and Jones:

AN ACT Relating to medical malpractice; and amending section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350.

Referred to Judiciary Committee.

SENATE BILL NO. 2229, by Senators Walgren and Marsh:

AN ACT Relating to crimes and criminal procedure; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 247, Laws of 1975 1st ex. sess. and RCW 9.79.170; amending section 5, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.180; amending section 6, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.190; amending section 7, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.200; amending section 8, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.210; amending section 9, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.220; amending section 9A.16.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.030; amending section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 5, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.36.020; amending section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.030; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100; amending section 9A.52.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.070; amending section 9A.52.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.080; amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.060; amending section 9A.88.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.030; decodifying RCW 9.79.140, 9.79.150, 9.79.160, 9.79.170, 9.79.180, 9.79.190, 9.79.200, 9.79.210, 9.79.220, 9A.88.020, and 9A.88.100 and adding these sections to Title 9A RCW as a new chapter to be designated chapter 9A.44 RCW; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2230, by Senators Clarke, Talmadge and Hayner:

AN ACT Adopting the uniform federal lien registration act; creating new sections; adding new sections to Title 60 RCW as a new chapter thereof; repealing section 1, chapter 15, Laws of 1925 and RCW 60.68.010; repealing section 2, chapter 15, Laws of 1925 and RCW 60.68.020; repealing section 3, chapter 15, Laws of 1925 and RCW 60.68.030; repealing section 4, chapter 15, Laws of 1925, section 1, chapter 250, Laws of 1955, section 1, chapter 62, Laws of 1977 and RCW 60.68-.040; repealing section 5, chapter 15, Laws of 1925 and RCW 60.68.050; and making an effective date.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 112, by Senators Pullen, Day, Rasmussen, Hayner, Van Hollebeke, Vognild, Moore, Benitz, Bottiger, von Reichbauer, Fleming, Guess, Odegaard, Morrison, Bausch, Wojahn, Lewis, Talmadge, Wilson, Henry, Goltz, Peterson, Conner, Matson, Wanamaker, Sellar, Shinpoch, Lee, Jones, Quigg, Gaspard, North, Talley and Woody:

Amending the Constitution to permit a legislator to hold a civil office the salary of which was increased so long as he does not receive the increase.

Referred to Committee on Constitution and Elections.

## MOTION

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2214, 2215, 2218, 2221, 2223, 2224; SJR 112.

## MOTION

At 11:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:25 p.m.

## NOON SESSION

The President called the Senate to order at 12:25 p.m.

## SECOND READING

SENATE BILL NO. 2065, by Senators Conner, Guess, and Henry (by Joint Legislative Transportation Committee request):

Reenacting authorization for certain urban arterial bonds.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2065 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2065, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Lysen, McDermott, Ridder—3.

Absent and not voting: Senator Scott—1.

Excused: Senators Gould, Jones, Keefe—3.

SENATE BILL NO. 2065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 3:15 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 3:15 p.m.

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

## MESSAGES FROM THE HOUSE

January 12, 1979.

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

VITO T. CHIECHI, Chief Clerk.  
DEAN R. FOSTER, Chief Clerk.

January 15, 1979.

Mr. President: The Speakers have signed: HOUSE JOINT MEMORIAL NO. 3, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.  
DEAN R. FOSTER, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 1;  
HOUSE JOINT MEMORIAL NO. 3.

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

## REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 2033, relating to state purchasing, (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 16, 1979.

SENATE BILL NO. 2078, increasing the fee required for release of accident reports (WSP Request) (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 16, 1979.

SENATE BILL NO. 2094, lengthening the effective period of an instruction permit for operation of a motor vehicle (LTC Request) (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker

Passed to Committee on Rules for Second Reading.

January 16, 1979.

SENATE BILL NO. 2135, providing for judges to issue a temporary driver's license to a petitioner for an occupational driver's license (LTC Request) (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for Second Reading.

## JOINT SESSION

At 3:20 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing the State of the State message by Governor Dixy Lee Ray.

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

Speaker Berentson instructed the Sergeants at Arms to escort Lieutenant Governor John Cherberg and President Pro Tem Al Henry to seats on the rostrum beside the Speaker.

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

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

The Clerk of the House called the roll of the House, and all members were present except Representative Houchen, who was excused.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Gould, Jones and Keefe, who were excused.

The President of the Senate announced the purpose of the Joint Session was to receive an address from Governor Dixy Lee Ray.

The President of the Senate appointed Senators Rasmussen and Benitz and Representatives O'Brien and Amen to notify Governor Ray that the Senate and House were in Joint Session and ready to receive her message.

The President of the Senate appointed Senators Bottiger, Marsh, Wojahn, Clarke and Hayner and Representatives Knowles, Sherman, Tilly and Winsley as an escort committee to escort the Supreme Court Justices to the front of the House Chamber.

The President of the Senate appointed Senators Peterson, McDermott and North, and Representatives Maxie and Zimmerman to escort the elected state officials from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Wojahn and Hayner and Representatives Knowles and Sherman to notify the Governor that the Senate and the House were in Joint Session and ready to receive her message.

The Sergeants at Arms of the Senate and the House announced the arrival at the bar of the House the Honorable Dixy Lee Ray, and the President of the Senate instructed the committee to escort Governor Ray to a seat on the rostrum.

The President of the Senate introduced the Honorable Dixy Lee Ray, Governor of the State of Washington.

## GOVERNOR'S ADDRESS

## THE DOORWAY TO THE 80'S

The Governor: "President Cherberg, Senators Walgren and Henry, Speakers Bagnariol and Berentson, ladies and gentlemen of the Legislature, distinguished Justices of the Supreme Court, elected officials, fellow citizens, I bid you a full and good afternoon.

"Although we are embarked on a most important legislative session this year—just ten years short of our centennial—I am confident we can conduct the state's business in a spirit of good will and good humor; we are going to need a lot of both.

We'll need them because we are about to make a bit of history as we operate for the first time with the 49ers of the House of Representatives.

"We have heard and read so much about the impossibility of working with co-speakers and co-chairmen and co-clerks and co-this and co-that. Let's confound all those experts and demonstrate to the self-proclaimed oracles that the most important 'co' in Olympia this session will be 'co-operation,' and when frowns appear and tempers shorten, I hope the peacemakers among us will be the only truly effective majority.

"Two years ago I appeared before you with a maximum supply of political innocence and a minimum store of gubernatorial experience. I hope that after two years of attention to duty, and with your continuing messages of encouragement and assistance, that I may have reversed that situation. As I look around I can see that you, too, have changed and so at this time, we're starting off even.

"In fulfillment of the requirement that the Governor communicate to the Legislature at each session the condition of the affairs of state and recommend action on such measures as are deemed expedient, I am pleased to make this report. On the basis of a number of significant yardsticks, Washington State is prospering to an extent greater than ever before in its history. A financial report, the first of its kind and planned as an annual document, has been provided to you.

"Employment, personal income, business volume—these as well as other measures point to new highs in economic performance. Some 85,000 new jobs were created in our state's economy just in the twelve months preceding last October. This raises total state employment to well over one million, six hundred thousand—the highest that any governor has ever been able to report. For the first time in a decade, monthly unemployment rates have frequently been below the national average. High employment across the state has allowed my administration to repay the final installment of the \$137 million borrowed from the federal government to fund unemployment compensation during the drastic employment decline in the early 1970's. While inflation has pushed up the consumer price index by eight percent, compared with one year ago, personal income in the state has increased by fifteen percent in the same period, reaching \$8,200 on a per capita basis. Industry has flourished in this state with a net gain of 12,000 new businesses accounting for a total manufacturing investment increase in excess of \$650 million.

"The advantages of life in Washington are becoming more and more apparent to people all across the nation. Large numbers visited the Evergreen State in 1977–78, with revenues from the travel industry increasing by thirteen percent to approximately \$2.7 billion. Substantial net in-migration over the past five years contributed to the forecast population increment between April 1978 and April 1979 of 129,000, reflecting the fact that Washington is undergoing, and probably will sustain, growth unparalleled in its history. Based on a June 1978 study, we can probably expect an additional 450,000 new citizens between now and 1985 and an additional 800,000 between then and the year 2000.

"Not only has our population increased in size, but its distribution, composition and disposition have changed as well. Seattle showed a seven percent loss in population, and Spokane and Tacoma posted only small increases compared to 1970. Whereas overall incorporated population increased by six percent, population in unincorporated areas of the state rose by over sixteen percent. For the fifth year in a row, births in Washington increased and persons 65 years of age and older now represent more than ten percent of the state's population. We are entering the era of a four-generation society.

"Controlling the size and cost of state government while still providing needed services is a major undertaking of this administration. Substantial population changes, such as I have reported, exert never-ending pressures to expand and extend government services and their delivery. During the last two years, however, state

government growth has been held down to one percent per year as compared to seven and a half percent per year during the ten years preceding my first term in office.

"Nationwide inflation that erodes the purchasing power of citizens has severely affected state services. Maintenance of present service levels, plus the numerous instances of improved performance, have come about through enhanced management and greater employee efficiency. Examples of improvements abound. I will mention only three. Vehicle title transfer time which stood at a high of forty-seven days when I took office has been reduced to ten days; it remains at that level today, despite a nine percent increase in volume. The employment needs of the increasing population have caused us to place greater emphasis on helping people find jobs. Last year 98,000 individuals were placed and that's a record. The number of injured workers eligible for industrial insurance benefits who are paid within the fourteen days required by law rose from twenty-five to ninety percent—our aim is one hundred percent.

"Improved management has served to ameliorate, but cannot do away with, the problems of inflation in the public, as well as, the private sectors. Although we will continue to direct the government enterprise according to the best management standards, always seeking more cost-effective methods of service delivery, we must deal with the reality of spiraling costs. Our responsibility to govern efficiently cannot mitigate our responsibility to meet the needs of all the people.

"In Washington State, as in other states, care for the aged, the infirm and those recovering from protracted illness is frequently provided by private nursing homes. Sixty percent of the private nursing home facilities are occupied by patients who receive residential care under provisions of the Medicaid program administered by the state. As mandated by the federal government, nursing home operators are reimbursed for the costs of stipulated services. Patient care continues to be a primary consideration.

"Although we have practiced cost containment to assure the maximum provision of care for every tax dollar, we recognize the upward trend of operators' legitimate costs, and so, beyond the Medicaid program, I commend to you a number of alternatives.

"Provision of these alternatives would allow and encourage senior citizens to continue to live rewarding lives in the homes which seventy percent of them own. Your authorization of a \$59 million increase for funding these measures would promote the availability of home health care services, increase the property tax exemption for seniors and provide state funding for continuation of the nationally acclaimed Senior Citizens' Service Act.

"All retired citizens are particularly affected by the inflationary burden on fixed retirement incomes. Although enhanced management of retirement systems now produces an additional \$700,000 in investment income, six to eight percent inflation rates for the last four years have severely impacted retired members of the Teachers' and Public Employees' Retirement System. Retired teachers, in particular, have not received a cost of living increase for four years. I strongly recommend that you support my proposal to establish minimum benefits for retired teachers and public employees and provide a three percent cost of living increase.

"Although many of the buildings at Western and Eastern State Hospitals for the mentally ill have been updated over the years, patient treatment and rehabilitation programs are limited by functionally outdated structures. I urge your support in my request for \$34 million to construct new facilities for the nonoffender parts of both hospitals.

"Throughout the state today there exists a serious shortage of decent, safe and affordable housing for families of low and moderate means. The average price of a new residence now exceeds \$55,000. Some 120,000 citizens are paying more than

twenty-five percent of their income for housing alone. Ninety-five thousand housing units are substandard, endangering their occupants' health and safety. To face up to this responsibility, I recommend that we establish a state housing finance agency similar to that found already in forty of the fifty states. This agency could begin to alleviate housing problems without long term costs to taxpayers. By selling tax exempt bonds, home mortgages would be made available through banks, savings and loan associations and mortgage companies to qualified individuals. Both the agency and financial institutions would use a small portion of bond proceeds to pay for administrative costs. Operation of the state housing finance agency could extend the benefits of home ownership or reduced rentals to people earning as little as nine thousand dollars to fifteen thousand dollars per year and it would also serve to dampen the effects of recession should we face that problem again here in Washington.

"Perhaps nowhere in state government have we worked harder to improve efficiency and effectiveness than in the provision of human services. Prudent management does demand, wherever possible, that we avoid unnecessary and fruitless cost, but provide public help to those with legitimate need. Humanity confirms also the need that we immunize children against preventative disease.

"Washington has always been dedicated to full educational opportunity for every child. Our Constitution stipulates that it is the paramount duty of the state to make ample provision for the education of all children.' It does not equivocate or limit this duty. We have already delayed too long in assuming our legitimate responsibility. September of 1978 saw confirmation of this and full funding of K-12 is mandated by the courts.

"We should do it now. Accelerated full funding, such as I propose, is not simply a further shift of money from local to state sources. It heralds establishment of greater equality of educational opportunity for all children in the state wherever they may live, whatever their community's economic status. Today we have the opportunity to make Washington the first state in the continental United States to define and fully fund basic education. Such action would be an estimable hallmark for the 46th Legislature and I earnestly solicit your support for this measure.

"Washington citizens join others across the nation in calling for a tax relief. The budget proposed for the 1979-81 biennium includes a significant number of tax relief measures. I am proposing major tax reduction for the first time since the administration of Governor Mon Walgren, some thirty-two years ago. These tax programs, if enacted, will provide tax relief for all citizens, for senior citizens, for property owners and for the state's business community. Let me emphasize again, accelerated full funding of the common schools would provide significant property tax relief for homeowners this year.

"Resolution of the complex fisheries' management programs constitutes another important problem for state government. United States Supreme Court review of the Boldt decision in the next sixty to ninety days will not realistically solve all the issues.

"Accordingly, we are working with our Congressional Delegation on a Washington State Resource Management Plan designed to increase the availability and quality of salmon and steelhead fish for all citizens on an equal opportunity basis.

"Looking to the future, we must make adequate provision for the state's identified building needs. My proposed capital budget calls for legislative endorsement of eleven bond issues. Each of these is amply justified and clearly needed. I particularly urge your support of a \$111 million bond issue for capital improvements in DSHS which would, if approved, provide for a new five hundred bed medium security adult correction facility. This construction would constitute an integral part of the effort toward relieving overcrowding in the penal institutions. It will also provide capital

improvements at Eastern and Washington State Mental Hospitals and other DSHS facilities.

"Our northwestern way of living and the growing population demands additional recreation facilities. These can frequently be provided with the assistance of federal funding where the state is willing to provide matching funds. Availability of these matching funds requires your authorization of a \$16 million bond issue for the Outdoor Recreation Account.

"Two other bond issues—one for universities, the other for the community college system—amount, in total, to \$57.5 million. These are not pointed to substantial new construction, but to improvement of existing structures.

"This is only my second opportunity to present my budget and legislative proposals to this august body. My proposals are designed to meet the basic needs of our citizens while remaining consistent with my administration's philosophy and the temper of the times—that is to move toward minimizing the burden of taxes, minimizing the involvement of government in the lives of its citizens, and providing essential government services in an efficient, professional and businesslike manner. The proposals I bring you are not designed to solve all problems. They are, for the most part, modest proposals for incremental improvements to meet basic and immediate needs. I request your help in considering these proposals with dispatch so that we may work together to face some far more compelling and far-ranging problems. I speak to you now of just two such problems: These are the need for (1) adequate supplies of energy to sustain the healthy economic conditions we now enjoy, (2) the need for expansion, maintenance and improvement of the public transportation systems upon which we all depend so heavily and which will soon be strained to overcapacity with our increasing population. We will not emerge from this legislative session with permanent solutions to either of these problems. This decade may end without such solutions, but let us not open the door to the eighties unless it can be said that this state government—the Governor and the Legislature working together—have begun to deal with the pressures and problems that population and economic growth will bring. Let it not be said that this government lacked the foresight to tackle the problems of energy supply and diversification, so that viable energy resources will be available for transportation, environment, and economic opportunity for the citizens of this state as they begin the next decade. Let us then work together to complete this legislative session with harmony and efficiency, but let this, too, be the beginning of a determined effort to work more closely to prepare the way to the eighties, to ensure that the next decade in this state will be as prosperous and as promising for our citizens as we expect the completion of this decade to be. Let us demonstrate our ability to tackle these long range needs by the success with which we complete our work in this legislative session.

"Thank you."

(Applause)

The President of the Senate directed the committee to escort Her Excellency, Governor Dixy Lee Ray, to her office.

The President of the Senate directed the committee to escort the Supreme Court Judges from the House Chamber.

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

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

#### MOTION

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

Speaker Berentson instructed the committee to escort Lieutenant Governor Cherberg and President Pro Tempore Al Henry and the members of the Senate to the Senate Chamber.

The President called the Senate to order at 4:28 p.m.

**MOTION**

At 4:30 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Wednesday, January 17, 1979.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 17, 1979.

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 Conner and Keefe. On motion of Senator Wilson, Senators Conner and Keefe were excused.

The Color Guard, consisting of Pages Kris Fisher and Ted Bowden, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER, WE COME TO YOU IN PRAYER, FREELY CONFESSING OUR NEED FOR WISDOM BEYOND OUR OWN IN ORDER TO DEAL ADEQUATELY AND FAIRLY WITH THE ISSUES FACING THESE SENATORS TODAY.

"BUT DON'T ALLOW US TO IMAGINE THAT THIS FORMAL PRAYER CAN TAKE THE PLACE OF OUR INDIVIDUAL PRIVATE PRAYERS. MAY THERE ARISE FROM EACH DESK THE SILENT PRAYER THAT SEEKS TO KNOW YOUR WILL. AND MAY NEITHER FOOLISH PRIDE NOR STUBBORN WILL KEEP US FROM RECOGNIZING OUR HUMANNES AND OUR NEED FOR YOUR GUIDANCE AND INSIGHT. FOR WE SEEK TO BE LED BY YOUR SPIRIT EVEN AS WE PRAY IN THE NAME OF CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEE

January 16, 1979.

SENATE BILL NO. 2077, permitting reduced rates for utility services to low income senior citizens (reported by Committee on Energy and Utilities):

Recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Lysen, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

January 16, 1979.

JON G. BOWMAN, to the position of member, of the Washington State Hospital Commission, appointed by the Governor on July 17, 1977 for the term ending July 16, 1980, succeeding himself (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

January 16, 1979.

LUDWIG LOBE, to the position of member of the Washington State Hospital Commission, appointed by the Governor on July 17, 1977 for the term ending July 16, 1981, succeeding himself (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 16, 1979.

ARCH H. LOGAN, JR., M.D., to the position of member of the Washington State Hospital Commission, appointed by the Governor on July 22, 1977 for the term ending July 16, 1981, succeeding Arthur S. Biddle (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 16, 1979.

SISTER CHARLOTTE VAN DYKE, to the position of member of the Washington State Hospital Commission, appointed by the Governor on July 22, 1977 for the term ending July 16, 1980, succeeding Norman Ramsey (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 16, 1979.

KEN WEBSTER, to the position of member of the Washington State Hospital Commission, appointed by the Governor on July 22, 1977 for the term ending July 16, 1981, succeeding John W. Colby (reported by Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

### PRESIDENT'S PRIVILEGE

President Cherberg: "Honored members of the Senate, ladies and gentlemen, the President should like, with the permission of the Senate, to exercise the privilege of presenting the Honorable and Mrs. Mariano C. Landicho, Consul of the Republic of the Philippines, who are seated in the south gallery.

"And also present today, the Senate is honored by the presence of the Honorable Alexander Lifka, the Austrian Trade Commissioner, stationed in Los Angeles."

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2231, by Senators McDermott, Jones and Goltz:

AN ACT Relating to excise taxes; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2232, by Senators Conner, Vognild, Lee, Newschwander, Bottiger, Gaspard, Lewis, Bausch and Woody:

AN ACT Relating to private salmon hatcheries; adding a new chapter to Title 75 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2233, by Senators Donohue, Clarke and Bausch:

AN ACT Relating to small loan companies; amending section 24, chapter 208, Laws of 1941 and RCW 31.08.270; amending section 27, chapter 208, Laws of 1941 and RCW 31.08.920; amending section 13, chapter 208, Laws of 1941 as last amended by section 8, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.160; amending section 11, chapter 212, Laws of 1959 as amended by section 1, chapter 266, Laws of 1975 1st ex. sess. and RCW 31.08.175; amending section 3, chapter 208, Laws of 1941 as last amended by section 2, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.030; and amending section 6, chapter 208, Laws of 1941 as amended by section 4, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.070.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2234, by Senator Day:

AN ACT Relating to the taxation, and regulation of special fuel; and amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 5, chapter 317, Laws of 1977 ex. sess. and RCW 82.38.030.

Referred to Committee on Transportation.

SENATE BILL NO. 2235, by Senators Fleming, McDermott, Talmadge and Wojahn:

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

Referred to Committee on State Government.

SENATE BILL NO. 2236, by Senators Ridder, Lee, Goltz, Walgren, Moore, McDermott, Vognild and Talmadge:

AN ACT Relating to labor relations in institutions of higher education; creating new sections; adding new sections as a new chapter in Title 41 RCW; 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., section 12, chapter 296, Laws of 1975 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., section 13, chapter 296, Laws of 1975 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., section 14, chapter 296, Laws of 1975 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; repealing section 5, chapter 288, Laws of 1975 1st ex. sess., section 92, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.59.040; repealing section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050; making an effective date; and providing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2237, by Senators Day, Donohue, Conner, Wilson, Gaspard, Newschwander, Wanamaker, North, Lee, Morrison, Gallagher, Quigg, Van Hollebeke, Goltz, Vognild, Hayner, Jones, Bluechel, Sellar, Guess, Peterson, Shinpoch, Moore, Walgren, Odegaard, Fleming, Ridder, Rasmussen, von Reichbauer, Marsh, McDermott, Talmadge, Woody, Talley, Wojahn, Williams and Bausch (by Executive request):

AN ACT Relating to senior citizen services; amending section 5, chapter 131, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 321, Laws of 1977 ex. sess. and RCW 74.38.050; repealing section 7, chapter 321, Laws of 1977 ex. sess. (uncodified); making an appropriation; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2238, by Senators Rasmussen, Goltz, Conner, Guess, Lee, Jones, Lewis, Gould, Gallagher, Hayner, Newschwander, Clarke, Quigg, Morrison, Sellar and Benitz (by Executive request):

AN ACT Relating to obligations of the state; and adding a new section to chapter 42.24 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2239, by Senators Day, Fleming, Conner, Woody, Gould, Peterson, Shinpoch, Quigg, Morrison, Benitz and Sellar (by Executive Request):

AN ACT Relating to home health agencies; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2240, by Senators Walgren, Donohue, Odegaard, Fleming, Conner, Ridder, Goltz, Vognild, Woody, Wojahn, Shinpoch, Quigg, Morrison, Wanamaker, Guess, North, Gallagher, Gould, Peterson, Lee, Benitz, Sellar, Lewis, Clarke, Gaspard and Bausch (by Executive request):

AN ACT Relating to retirement systems; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2241, by Senators Donohue, Fleming, McDermott, Conner, Guess, Quigg, Goltz, Ridder, Woody, Sellar, Jones, Newschwander, Gallagher, Morrison, Benitz and Talmadge (by Executive request):

AN ACT Relating to the immunization of children; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2242, by Senators Rasmussen, Day, McDermott, Woody, Conner, Sellar, Benitz and Guess (by Executive request):

AN ACT Relating to state government; amending section 3, chapter 177, Laws of 1903 and RCW 27.28.030; amending section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030; amending section 4, chapter 44, Laws of 1941 and RCW 27.36.040; amending section 28A.92.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.020; amending section 29.80.030, chapter 9, Laws of 1965 and RCW 29.80.030; amending section 29.81.090, chapter 9, Laws of 1965 and RCW 29.81.090; amending section 32.08.050, chapter 13, Laws of 1955 and RCW 32.08.050; amending section 1, chapter 154, Laws of 1917 as last amended by section 1, chapter 111, Laws of 1975 1st ex. sess. and RCW 33.44.020; amending section 5, chapter 178, Laws of 1951 as last amended by section 82, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.52.040; amending section 43.30.040, chapter 8, Laws of 1965 and RCW 43.30.040; amending section 43.34.010, chapter 8, Laws of 1965 and RCW 43.34.010; repealing section 28B.30.105, chapter 223, Laws of 1969 ex.

sess. and RCW 28B.30.105; and repealing section 47.56.020, chapter 13, Laws of 1961, section 1, chapter 278, Laws of 1961 and RCW 47.56.020.

Referred to Committee on State Government.

**SENATE BILL NO. 2243**, by Senators Goltz, Van Hollebeke, Conner, Lee, Jones, Quigg and Benitz (by Executive request):

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2244**, by Senators Peterson, Conner, Talley, Odegaard, Newschwander, Clarke, Rasmussen, Moore, Vognild, Woody, Lee, Jones, Gallagher, Quigg and Benitz (by Executive request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2245**, by Senators Gould, Goltz, Bluechel and Lee:

AN ACT Relating to education; amending section 7, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.162; amending section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; and creating a new section.

Referred to Committee on Education.

**SENATE BILL NO. 2246**, by Senators Donohue, Walgren, von Reichbauer, Conner, Woody, Sellar, Guess, Lewis, Gould, Morrison, Quigg, Bluechel, Gallagher, Benitz, Talley and Newschwander (by Executive request):

AN ACT Relating to state and local government; adding a new chapter to Title 4 RCW; and repealing section 1, chapter 136, Laws of 1961, section 2, chapter 159, Laws of 1963 and RCW 4.92.090; and repealing section 1, chapter 164, Laws of 1967 and RCW 4.96.010.

Referred to Judiciary Committee.

**SENATE BILL NO. 2247**, by Senators Conner and Morrison (by Executive request):

AN ACT Relating to criminal law and procedure; amending section 1, chapter 172, Laws of 1935 as last amended by section 1, chapter 302, Laws of 1971 ex. sess. and RCW 9.41.010; amending section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025; amending section 4, chapter 172, Laws of 1935 as amended by section 3, chapter 124, Laws of 1961 and RCW 9.41.040; amending section 5, chapter 133, Laws of 1955 as last amended by section 2, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.040; amending section 9A.76.140, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.140; adding a new section to chapter 43.06 RCW; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 2248**, by Senators Donohue, Goltz, Sellar, Lee, Jones, Morrison, Hayner, Guess, Benitz and Lewis (by Executive request):

AN ACT Relating to Washington State University; providing for the acquisition, construction, remodeling, furnishing, and equipping of certain state buildings and facilities for the institution and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of the bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2249, by Senators Peterson, Goltz, Conner, Clarke, Benitz, Bluechel, Vognild, Talley, Lee, Jones, Morrison, Gallagher, Quigg, Guess and Lewis (by Executive request):

AN ACT Relating to the commission for vocational education; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of a state fire service training center for the commission for vocational education and the financing thereof by the issuance of bonds, including bond anticipation notes; creating new sections; adding a new chapter to Title 28C RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2250, by Senators Goltz, Walgren, Odegaard, Fleming, Van Hollebeke, von Reichbauer, Woody, Talley, Gallagher, Newschwander, Lee, Jones, Morrison, Bluechel, Quigg, Lewis, Wanamaker, Benitz, Sellar and Talmadge (by Executive request):

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects; providing ways and means for the payment of the bonds; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2251, by Senators Day, Fleming, Conner, Gould, Peterson, Lee, Jones, Hayner and Talmadge (by Executive request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2252, by Senators Henry, Walgren and von Reichbauer (by Executive request):

AN ACT Relating to transportation; making supplemental appropriations; amending section 17, chapter 151, Laws of 1977 ex. sess. (uncodified); amending section 2, chapter 333, Laws of 1977 ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2253, by Senators McDermott and Day:

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

Referred to Committee on Education.

SENATE BILL NO. 2254, by Senators Hansen, Gaspard, Day, Benitz and Wanamaker (by Department of Agriculture request):

AN ACT Relating to agriculture; amending section 33, chapter 63, Laws of 1969 and RCW 15.49.330; amending section 7, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.902; amending section 24, chapter 22, Laws of 1967 ex. sess. as amended by section 10, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.54-.360; amending section 7, chapter 256, Laws of 1961 and RCW 15.65.070; amending section 49, chapter 256, Laws of 1961 as amended by section 10, chapter 106, Laws of 1973 and RCW 15.65.490; amending section 2, chapter 31, Laws of 1951 as amended by section 14, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13-.020; amending section 3, chapter 31, Laws of 1951 as amended by section 15, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.030; amending section 1, chapter 165, Laws of 1927 as last amended by section 2, chapter 17, Laws of 1953 and RCW 16.36.020; amending section 3, chapter 165, Laws of 1927 as amended by

section 2, chapter 172, Laws of 1947 and RCW 16.36.030; amending section 4, chapter 165, Laws of 1927 as amended by section 3, chapter 172, Laws of 1947 and RCW 16.36.040; amending section 5, chapter 165, Laws of 1927 as amended by section 4, chapter 172, Laws of 1947 and RCW 16.36.050; amending section 6, chapter 165, Laws of 1927 as amended by section 5, chapter 172, Laws of 1947 and RCW 16.36.060; amending section 9, chapter 165, Laws of 1927 as amended by section 8, chapter 172, Laws of 1947 and RCW 16.36.090; amending section 2, chapter 160, Laws of 1957 and RCW 16.36.095; amending section 11, chapter 165, Laws of 1927 as last amended by section 1, chapter 161, Laws of 1959 and RCW 16.40.010; amending section 12, chapter 165, Laws of 1927 as last amended by section 10, chapter 172, Laws of 1947 and RCW 16.40.060; amending section 1, chapter 54, Laws of 1959 as amended by section 34, chapter 240, Laws of 1967 and RCW 16.57.010; amending section 29, chapter 54, Laws of 1959 as amended by section 6, chapter 120, Laws of 1967 ex. sess. and RCW 16.57.290; amending section 6, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.060; amending section 21, chapter 190, Laws of 1939 and RCW 69.16.160; adding a new section to chapter 16.13 RCW; adding a new section to chapter 16.57 RCW; repealing section 1, chapter 135, Laws of 1903, section 1, chapter 206, Laws of 1919 and RCW 69.11.010; repealing section 2, chapter 135, Laws of 1903 and RCW 69.11.020; repealing section 3, chapter 135, Laws of 1903 and RCW 69.11.030; repealing section 4, chapter 135, Laws of 1903 and RCW 69.11.040; repealing section 5, chapter 135, Laws of 1903 and RCW 69.11.050; repealing section 6, chapter 135, Laws of 1903 and RCW 69.11.060; repealing section 7, chapter 135, Laws of 1903 and RCW 69.11.070; repealing section 8, chapter 135, Laws of 1903 and RCW 69.11.080; repealing section 9, chapter 135, Laws of 1903 and RCW 69.11.090; repealing section 10, chapter 135, Laws of 1903 and RCW 69.11.100; repealing section 8(a), chapter 137, Laws of 1937, section 1, chapter 169, Laws of 1945 and RCW 69.12.090; repealing section 9, chapter 137, Laws of 1937 and RCW 69.12.100; repealing section 19, chapter 190, Laws of 1939 and RCW 69.16.140; repealing section 20, chapter 190, Laws of 1939 and RCW 69.16.150; repealing section 20, chapter 112, Laws of 1939 and RCW 69.20.130; and repealing section 21, chapter 112, Laws of 1939 and RCW 69.20.140.

Referred to Committee on Agriculture.

SENATE BILL NO. 2255, by Senators Hansen, Gaspard, Day, Benitz and Wanamaker (by Department of Agriculture request):

AN ACT Relating to pesticides; adding a new chapter to Title 15 RCW; repealing sections 1 through 46, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.010 through 15.58.940; and defining crimes.

Referred to Committee on Agriculture.

SENATE BILL NO. 2256, by Senators Rasmussen, Newschwander and Moore (by State Finance Committee request):

AN ACT Relating to state funds; amending section 7, chapter 103, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.050; amending section 6, chapter 251, Laws of 1977 ex. sess. and RCW 43.33.110; and amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 251, Laws of 1977 ex. sess. and RCW 43.84.150

Referred to Committee on Ways and Means.

SENATE BILL NO. 2257, by Senators Clarke, Rasmussen and Bluechel (by Legislative Budget Committee request):

AN ACT Relating to public printing; amending section 43.78.030, chapter 8, Laws of 1965 as amended by section 114, chapter 81, Laws of 1971 and RCW

43.78.030; amending section 43.78.040, chapter 8, Laws of 1965 and RCW 43.78.040; amending section 43.78.070, chapter 8, Laws of 1965 and RCW 43.78.070; amending section 43.78.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 1, Laws of 1972 ex. sess. and RCW 43.78.080; amending section 43.78.110, chapter 8, Laws of 1965 as amended by section 1, chapter 79, Laws of 1969 and RCW 43.78.110; adding new sections to chapter 43.78 RCW; repealing section 43.78.020, chapter 8, Laws of 1965 and RCW 43.78.020; repealing section 43.78.050, chapter 8, Laws of 1965 and RCW 43.78.050; repealing section 43.78.090, chapter 8, Laws of 1965 and RCW 43.78.090; repealing section 43.78.100, chapter 8, Laws of 1965 and RCW 43.78.100; and providing an effective date.

Referred to Committee on State Government.

**SENATE BILL NO. 2258**, by Senators Peterson and Conner:

AN ACT Relating to Christmas tree sales; amending section 43.30.100, chapter 8, Laws of 1965 and RCW 43.30.100; repealing section 6, chapter 112, Laws of 1937, section 2, chapter 225, Laws of 1955 and RCW 19.12.070; and repealing section 7, chapter 112, Laws of 1937 and RCW 19.12.090.

Referred to Committee on Commerce.

**SENATE BILL NO. 2259**, by Senators Day, Marsh, Talmadge, Hayner, Jones and Wanamaker:

AN ACT Relating to health care professionals and attorneys; amending section .01.05, chapter 79, Laws of 1947 as amended by section 1, chapter 13, Laws of 1975-'76 2nd ex. sess. and RCW 48.01.050; and amending section 2, chapter 265, Laws of 1971 ex. sess. as amended by section 2, chapter 109, Laws of 1975-'76 2nd ex. sess. and RCW 48.32.020.

#### MOTION

On motion of Senator Day, Senate Bill No. 2259 was referred to the Committee on Social and Health Services.

#### INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2260**, by Senators McDermott, Day, Newschwander and Talmadge:

AN ACT Relating to the business and occupation tax; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430.

#### MOTION

On motion of Senator Day, Senate Bill No. 2260 was referred to the Committee on Social and Health Services.

#### INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2261**, by Senators Donohue, Guess and Henry:

AN ACT Relating to revenue and taxation; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2262, by Senators Odegaard, Wilson, Day, Matson, Woody, Morrison, Fleming, Gould, Gaspard, Moore, Donohue, Vognild and Talmadge:

AN ACT Relating to senior citizen programs; and adding a new section to chapter 36.39 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2263, by Senators Donohue, Rasmussen, Hansen, Peterson and Talley:

AN ACT Relating to local government; amending section 4, chapter 271, Laws of 1969 ex. sess. as amended by section 2, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.040; and adding a new section to Title 58 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2264, by Senators McDermott, Gould and Shinpoch:

AN ACT Relating to health; providing for the limited use of controlled substances for therapeutic research purposes; creating a new chapter in Title 69 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2265, by Senators Hansen, Gaspard, Day, Benitz and Wanamaker (by Department of Agriculture request):

AN ACT Relating to pesticide application; adding a new chapter to Title 17 RCW; repealing section 1, chapter 249, Laws of 1961, section 1, chapter 177, Laws of 1967 and RCW 17.21.010; repealing section 2, chapter 249, Laws of 1961, section 2, chapter 177, Laws of 1967, section 1, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.020; repealing section 3, chapter 249, Laws of 1961 and RCW 17.21.030; repealing section 4, chapter 249, Laws of 1961 and RCW 17.21.040; repealing section 5, chapter 249, Laws of 1961 and RCW 17.21.050; repealing section 6, chapter 249, Laws of 1961 and RCW 17.21.060; repealing section 17, chapter 177, Laws of 1967 and RCW 17.21.065; repealing section 7, chapter 249, Laws of 1961, section 3, chapter 177, Laws of 1967 and RCW 17.21.070; repealing section 8, chapter 249, Laws of 1961, section 4, chapter 177, Laws of 1967 and RCW 17.21.080; repealing section 9, chapter 249, Laws of 1961, section 5, chapter 177, Laws of 1967, section 2, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.090; repealing section 10, chapter 249, Laws of 1961, section 3, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.100; repealing section 11, chapter 249, Laws of 1961, section 6, chapter 177, Laws of 1967 and RCW 17.21.110; repealing section 12, chapter 249, Laws of 1961, section 7, chapter 177, Laws of 1967 and RCW 17.21.120; repealing section 13, chapter 249, Laws of 1961 and RCW 17.21.130; repealing section 14, chapter 249, Laws of 1961 and RCW 17.21.140; repealing section 15, chapter 249, Laws of 1961, section 8, chapter 177, Laws of 1967, section 4, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.150; repealing section 16, chapter 249, Laws of 1961, section 9, chapter 177, Laws of 1967 and RCW 17.21.160; repealing section 17, chapter 249, Laws of 1961, section 1, chapter 107, Laws of 1963, section 10, chapter 177, Laws of 1967 and RCW 17.21.170; repealing section 18, chapter 249, Laws of 1961, section 11, chapter 177, Laws of 1967 and RCW 17.21.180; repealing section 19, chapter 249, Laws of 1961 and RCW 17.21.190; repealing section 20, chapter 249, Laws of 1961, section 12, chapter 177, Laws of 1967, section 5, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.200; repealing section 9, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.203; repealing section 18, chapter 177, Laws of 1967, section 6, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.205; repealing section 22, chapter 249, Laws of 1961, section 13, chapter 177, Laws of 1967, section 7, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.220; repealing section 23, chapter 249, Laws of 1961, section 14, chapter 177, Laws of 1967, section 8, chapter 191, Laws of 1971 ex. sess., section 1, chapter 20, Laws of 1974 ex. sess.

and RCW 17.21.230; repealing section 24, chapter 249, Laws of 1961 and RCW 17.21.240; repealing section 25, chapter 249, Laws of 1961 and RCW 17.21.250; repealing section 26, chapter 249, Laws of 1961 and RCW 17.21.260; repealing section 27, chapter 249, Laws of 1961, section 24, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 17.21.270; repealing section 28, chapter 249, Laws of 1961, section 15, chapter 199, Laws of 1969 ex. sess. and RCW 17.21.280; repealing section 29, chapter 249, Laws of 1961, section 15, chapter 177, Laws of 1967 and RCW 17.21.290; repealing section 30, chapter 249, Laws of 1961 and RCW 17.21.300; repealing section 19, chapter 177, Laws of 1967 and RCW 17.21.305; repealing section 34, chapter 249, Laws of 1961, section 16, chapter 177, Laws of 1967 and RCW 17.21.310; repealing section 10, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.320; repealing section 1, chapter 27, Laws of 1975 and RCW 17.21.330; repealing section 31, chapter 249, Laws of 1961 and RCW 17.21.900; repealing section 32, chapter 249, Laws of 1961 and RCW 17.21.910; repealing section 33, chapter 249, Laws of 1961 and RCW 17.21.920; repealing section 35, chapter 249, Laws of 1961 and RCW 17.21.930; repealing section 20, chapter 177, Laws of 1967 and RCW 17.21.931; and providing an expiration date.

Referred to Committee on Agriculture.

SENATE BILL NO. 2266, by Senator Pullen:

AN ACT Relating to crimes and criminal procedures; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.20.020; amending section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025; amending section 4, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 247, Laws of 1975 1st ex. sess. and RCW 9.79.170; amending section 5, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.180; amending section 6, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.190; amending section 7, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.200; amending section 8, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.210; amending section 9, chapter 14, Laws of 1975 1st ex. sess. and RCW 9.79.220; amending section 33, chapter 249, Laws of 1909 as last amended by section 1, chapter 295, Laws of 1971 ex. sess. and RCW 9.92.080; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; amending section 2, chapter 2, Laws of 1973 2nd ex. sess. as amended by section 1, chapter 103, Laws of 1975-'76 2nd ex. sess. and RCW 69.50.410; adding a new section to chapter 9.79 RCW; creating new sections; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 113, by Senators Ridder, Day, Walgren, McDermott, Conner, Woody, Talley, Odegaard, Sellar, Guess, Shinpoch, Lewis, Newschwander, Wanamaker, Peterson, Lee, Gallagher, Quigg, Hayner and North (by Executive request):

Expanding the legislature's power to grant property tax relief.

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2232, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2248, 2249, 2250, 2251, 2254, 2255, 2259, 2260, 2262, 2263, 2265, and SJR 113.

## MOTIONS

On motion of Senator Donohue, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2091.

On motion of Senator Donohue, Senate Bill No. 2091 was rereferred to the Committee on Transportation.

#### MOTIONS

On motion of Senator Goltz, the Committee on Education was relieved from further consideration of Senate Bill No. 2249.

On motion of Senator Goltz, Senate Bill No. 2249 was rereferred to the Committee on Higher Education.

#### MOTION

At 11:25 a.m. on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

#### NOON SESSION

The President called the Senate to order at 12:20 p.m.

#### MOTION

At 12:22 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, January 18, 1979.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.

## ELEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 18, 1979.

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

The Color Guard, consisting of Pages Patti Lindsey and Jay deBoer, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"OUR GOD AND FATHER, WE OFFER THIS PRAYER TO YOU AT THIS TIME, NOT AS A MERE GESTURE TO CUSTOM OR CONVENTION, BUT TO RECOGNIZE ONCE AGAIN THAT THIS WORLD IS YOURS, AND THAT WE WHO LIVE HERE BELONG TO YOU, AND THAT THE WAY WE LIVE WITH ONE ANOTHER IS OF CONCERN TO YOU AS WELL AS TO US.

"THEREFORE MAY WE NOT BE OVERWHELMED NOR DISCOURAGED BY PROBLEMS THAT PERPLEX US AND THE TASKS THAT CONFRONT US. RATHER MAY WE GIVE THANKS TO YOU THAT WE HAVE BEEN MATCHED WITH THIS HOUR.

"POUR OUT UPON EACH OF THESE SENATORS A MEASURE OF YOUR WISDOM, AND THE POWER OF YOUR SPIRIT, AND THE KNOWLEDGE THAT WHEN WE HAVE DONE OUR BEST, YOUR FORGIVENESS IS MORE THAN ADEQUATE TO MAKE UP FOR OUR SHORTCOMINGS. 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

January 16, 1979.

SENATE BILL NO. 2024, extending the 106% limit to state levies for schools, (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill 2024 be substituted therefor, and that Substitute Senate Bill 2024 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for Second Reading.

January 17, 1979.

SENATE BILL NO. 2034, repealing sections authorizing forest tree nursery at Washington State University (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for Second Reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 15, 1979.

CURTIS J. DALRYMPLE, to the position of member of the Board of Trustees, Western Washington University, appointed by the Governor on March 15, 1978 for the term ending March 12, 1984, succeeding Paul B. Hanson, (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

January 17, 1979.

DR. WALTER S. JOHNSON, to the position of member of the State Board for Community College Education, appointed by the Governor on December 1, 1978 for the term ending April 30, 1982, succeeding Donald K. Morford, (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

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

MOTIONS

On motion of Senator Henry, the Committee on Transportation was relieved from further consideration of Senate Bill No. 2091 and Senate Bill No. 2261.

On motion of Senator Henry, Senate Bill No. 2091 and Senate Bill No. 2261 were rereferred to the Committee on Ways and Means.

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, January 18, 1979.

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

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

Gary L. Jackson, reappointed January 16, 1979, for a term ending January 14, 1985, succeeding himself as a member of the Washington Horse Racing Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

MESSAGES FROM THE HOUSE

January 17, 1979.

Mr. President: The House has passed SENATE BILL NO. 2065, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

January 17, 1979.

Mr. President: The House had adopted SENATE CONCURRENT RESOLUTION NO. 102, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## POINT OF INFORMATION

Senator Rasmussen: "Mr. President, was that Senate Concurrent Resolution 102 that the House adopted?"

President Cherberg: "Yes, Senator Rasmussen."

Senator Rasmussen: "And that contains a cutoff date for introduction of bills?"

President Cherberg: "Yes, Senator Rasmussen."

Senator Rasmussen: "And what was that date?"

President Cherberg: "The request must be in the Code Reviser's office no later than the twenty-ninth day of the session, Senator Rasmussen. Two weeks from next Monday, Senator."

Senator Rasmussen: "Twenty-ninth day of, what would be the calendar date?"

President Cherberg: "The Secretary is going to do a little research, Senator Rasmussen."

Senator Rasmussen: "There is a little confusion here as to what the actual cut-off date is. The reason I asked that question, Mr. President, is, it sometimes flies by and people are not aware of the exact cutoff date when the request has to be on the Code Reviser."

President Cherberg: "That is true, Senator Rasmussen."

Senator Rasmussen: "I am informed by the caucus chairman that it will be February the fifth. The requests then have to be at the Code Reviser's desk by what time?"

President Cherberg: "The normal cutoff time is 3:00 p.m., but the Code Reviser will accept requests until 5:00 p.m."

Senator Rasmussen: "On February the fifth? Thank you, Mr. President."

President Cherberg: "1979 A.D."

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2267, by Senators Conner, Lee, Talley, Quigg and Gaspard:

AN ACT Relating to satellite facilities of certain financial institutions; amending section 1, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.010; amending section 3, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.030; amending section 4, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.040; amending section 5, chapter 166, Laws of 1974 ex. sess. and RCW 30.43.050; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2268, by Senator Conner:

AN ACT Relating to county roads; amending section 36.77.070, chapter 4, Laws of 1963 and RCW 36.77.070; amending section 36.82.130, chapter 4, Laws of 1963 as amended by section 13, chapter 182, Laws of 1969 ex. sess. and RCW 36.82.130; and adding a new section to chapter 36.86 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2269, by Senators Goltz and Odegaard:

AN ACT Relating to public printing; and amending section 43.78.030, chapter 8, Laws of 1965 as amended by section 114, chapter 81, Laws of 1971 and RCW 43.78.030.

Referred to Committee on State Government.

SENATE BILL NO. 2270, by Senators Gould and Ridder:

AN ACT Relating to education; and amending section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754.

Referred to Committee on Education.

SENATE BILL NO. 2271, by Senators Gould, Ridder, Gallagher and Talmadge:

AN ACT Relating to education; and amending section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754.

Referred to Committee on Education.

SENATE BILL NO. 2272, by Senators Day, Quigg, Wanamaker and Hayner:

AN ACT Relating to registered nurses; and amending section 19, chapter 202, Laws of 1949 as last amended by section 78, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.88.190.

Requiring continuing education for nurses.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2273, by Senators Talley, Sellar and Woody:

AN ACT Relating to the clerk of the superior court's trust funds; and amending section 36.48.090, chapter 4, Laws of 1963 as last amended by section 1, chapter 63, Laws of 1977 and RCW 36.48.090.

Referred to Committee on Local Government.

SENATE BILL NO. 2274, by Senators Sellar, Talley and Lewis:

AN ACT Relating to county treasurers; and amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 140, Laws of 1973 1st ex. sess. and RCW 36.29.020.

Referred to Committee on Local Government.

SENATE BILL NO. 2275, by Senators Keefe, Matson and Morrison:

AN ACT Relating to horse racing; amending section 7, chapter 55, Laws of 1933 and RCW 67.16.060; amending section 9, chapter 55, Laws of 1933 as last amended by section 81, chapter 75, Laws of 1977 and RCW 67.16.100; amending section 3, chapter 233, Laws of 1969 ex. sess. as amended by section 2, chapter 372, Laws of 1977 ex. sess. and RCW 67.16.102; amending section 2, chapter 94, Laws of 1969 ex. sess. and RCW 67.16.130; adding new sections to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2276, by Senators Jones and Henry:

AN ACT Relating to industrial loan companies; amending section 9, chapter 172, Laws of 1923 as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100; amending section 14, chapter 172, Laws of 1923 and RCW 31.04.140; and adding a new section to chapter 31.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2277, by Senators Wanamaker and Moore:

AN ACT Relating to school bus stop shelters; and amending section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 271, Laws of 1975 1st ex. sess. and RCW 47.42.040.

Referred to Committee on Transportation.

SENATE BILL NO. 2278, by Senators Talley, Guess and Henry:

AN ACT Relating to railroad crossings; adding a new section to chapter 81.53 RCW; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2279, by Senators McDermott and Bluechel:

AN ACT Relating to commerce and economic development; providing for the planning, design, construction, furnishing, and landscaping of a multi-theatre international performing arts facility; providing for the financing thereof by issuance of bonds and anticipation notes; creating the international performing arts festival steering commission; authorizing the acceptance of a gift of real property as a site

for such facility; adding new sections to chapter 43.31 RCW; and declaring an emergency.

Referred to Committee on Commerce.

SENATE BILL NO. 2280, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2281, by Senator Peterson:

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2282, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2283, by Senator Peterson:

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2284, by Senator Peterson:

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2285, by Senator Peterson:

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2286, by Senator Peterson:

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2287, by Senators Pullen and Lewis:

AN ACT Relating to business and occupation, sales, and use taxes; amending section 82.04.490, chapter 15, Laws of 1961 as amended by section 45, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.490; amending section 82.08.070, chapter 15, Laws of 1961 as last amended by section 8, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.070; amending section 82.12.050, chapter 15, Laws of 1961 as amended by section 53, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.050; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2288, by Senators Pullen, Odegaard and Hayner:

AN ACT Relating to elections; adding a new section to chapter 9, Laws of 1965 and to chapter 29.04 RCW; adding a new section to chapter 109, Laws of 1967 and to chapter 29.34 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2289, by Senator Peterson:

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2290, by Senators Conner, Hansen and Guess (by Department of Transportation request):

AN ACT Relating to the department of transportation; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2291, by Senators Henry, Conner and Hansen (by Department of Transportation request):

AN ACT Relating to highway funds; amending section 47.08.120, chapter 13, Laws of 1961 and RCW 47.08.120.

Referred to Committee on Transportation.

SENATE BILL NO. 2292, by Senators Moore, Vognild, Pullen, Peterson and Donohue:

AN ACT Relating to school districts; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; providing penalties; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 2293, by Senator Peterson:

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2294, by Senators Van Hollebeke and Clarke:

AN ACT Relating to the courts; amending section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020; amending section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 2295, by Senators Scott, Shinpoch, Bluechel and Odegaard (by Legislative Budget Committee request):

AN ACT Relating to state government; disestablishing obsolete funds and accounts; amending section 43.79.330, chapter 8, Laws of 1965 and RCW 43.79-.330; amending section 3, chapter 63, Laws of 1971 ex. sess. as last amended by section 1, chapter 53, Laws of 1975 and RCW 74.13.106; amending section 4, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.109; amending section 11, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.130; creating new sections; repealing section 43.31.600, chapter 8, Laws of 1965 and RCW 43.31.600; repealing section 43.31.610, chapter 8, Laws of 1965 and RCW 43.31.610; repealing section 2, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.072; repealing section 6, chapter 172, Laws of 1965 ex. sess. and RCW 43.83.080; repealing section 2, chapter 148, Laws of 1967 ex. sess. and RCW 43.83.092; repealing section 6, chapter 148, Laws of 1967 ex. sess., section 1, chapter 187, Laws of 1969 ex. sess. and RCW 43.83.100; repealing sections 1 through 7, chapter 262, Laws of 1971 ex. sess. and RCW 47.44.080 through 47.44.140; repealing section 47.60.070, chapter 13, Laws of 1961 and RCW 47.60.070; repealing section 47.60.180, chapter 13, Laws of 1961 and RCW 47.60.180; repealing section 47.60.190, chapter 13, Laws of 1961 and RCW 47.60.190; and providing an expiration date.

Referred to Committee on State Government.

SENATE BILL NO. 2296, by Senators Scott, Shinpoch and Bluechel (by Legislative Budget Committee request):

AN ACT Relating to veterans; amending section 43.61.060, chapter 8, Laws of 1965 as amended by section 7, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.060; adding a new section to chapter 82.24 RCW; repealing section 43.61.050, chapter 8, Laws of 1965, section 35, chapter 18, Laws of 1970 ex. sess., section 23, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.61.050; repealing section 1, chapter 180, Laws of 1949, section 1, chapter 13, Laws of 1950 ex. sess., section 108, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.32.020; repealing section 2, chapter 180, Laws of 1949, section 1, chapter 7, Laws of 1951 and RCW 73.32-.030; repealing section 3, chapter 180, Laws of 1949, section 2, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.32.040; repealing section 1, chapter 325, Laws

of 1955 and RCW 73.32.043; repealing section 1, chapter 208, Laws of 1953 and RCW 73.32.045; repealing sections 4 through 7, chapter 180, Laws of 1949 and RCW 73.32.050 through 73.32.080; repealing section 1, chapter 12, Laws of 1950 ex. sess. and RCW 73.32.085; repealing section 8, chapter 180, Laws of 1949 and RCW 73.32.120; repealing section 1, chapter 41, Laws of 1973, section 1, chapter 173, Laws of 1974 ex. sess. and RCW 73.32.130; repealing section 9, chapter 180, Laws of 1949, section 3, chapter 272, Laws of 1959 and RCW 73.32.140; repealing sections 10 through 12, chapter 180, Laws of 1949 and RCW 73.32.150 through 73.32.170; repealing section 1, chapter 231, Laws of 1951 and RCW 73.32.180; repealing sections 13 and 14, chapter 180, Laws of 1949 and RCW 73.32.900 and 73.32.910; repealing section 1, chapter 292, Laws of 1955, section 109, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.33.010; repealing section 2, chapter 292, Laws of 1955, section 110, chapter 154, Laws of 1973 1st ex. sess. and RCW 73.33.020; repealing sections 3 through 11, chapter 292, Laws of 1955 and RCW 73.33.030 through 73.33.110; repealing section 12, chapter 292, Laws of 1955, section 1, chapter 147, Laws of 1959 and RCW 73.33.120; repealing section 13, chapter 292, Laws of 1955 and RCW 73.33.900; repealing section 1, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.010; repealing section 2, chapter 154, Laws of 1972 ex. sess., section 1, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.020; repealing section 3, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.030; repealing section 4, chapter 154, Laws of 1972 ex. sess., section 3, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.040; repealing section 5, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.050; repealing section 6, chapter 154, Laws of 1972 ex. sess., section 4, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.060; repealing section 9, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.080; repealing section 10, chapter 154, Laws of 1972 ex. sess., section 2, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.090; repealing section 11, chapter 154, Laws of 1972 ex. sess., section 5, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.100; repealing section 12, chapter 154, Laws of 1972 ex. sess., section 6, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 73.34.110; repealing section 13, chapter 154, Laws of 1972 ex. sess., section 2, chapter 173, Laws of 1974 ex. sess., section 3, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.120; and repealing section 14, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.900.

Referred to Committee on State Government.

**SENATE BILL NO. 2297**, by Senators Scott and Goltz (by Legislative Budget Committee request):

AN ACT Relating to higher education; creating a new section; and repealing sections 1 through 25, chapter 120, Laws of 1973 1st ex. sess. and RCW 28B.17.010 through 28B.17.210.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2298**, by Senators Gaspard, Bottiger and Moore:

AN ACT Relating to railroads; adding new sections to chapter 81.40 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2299**, by Senators Gaspard, Bottiger and Moore:

AN ACT Relating to common carrier railroads; adding a new section to chapter 4.24 RCW; and adding a new section to chapter 81.40 RCW.

Referred to Committee on Transportation.

**SENATE BILL NO. 2300**, by Senators Van Hollebeke, Conner, Wanamaker, Quigg and Morrison:

AN ACT Relating to gambling; reenacting and amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 76, Laws of

1977 ex. sess. and by section 1, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.020; reenacting and amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 165, Laws of 1977 ex. sess. and by section 2, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.030; reenacting and amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 76, Laws of 1977 ex. sess. and by section 3, chapter 326, Laws of 1977 ex. sess. and RCW 9.46.070; creating new sections; and declaring an emergency.

Referred to Committee on Commerce.

#### MOTION

On motion of Senator Odegaard, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2267, 2271, 2272, 2290, 2292, 2295, 2300.

#### MOTION

At 11:25 a.m., on motion of Senator Walgren, the Senate recessed until 12:25 p.m.

#### NOON SESSION

The President called the Senate to order at 12:25 p.m.

#### SECOND READING

SENATE BILL NO. 2119, by Senators Marsh, Talmadge, Clarke, Hayner, Bottiger, and Woody:

Revising the business corporation act.

#### REPORT OF STANDING COMMITTEE

January 12, 1979.

SENATE BILL NO. 2119, revising the business corporation act (reported by Committee on Judiciary):

MAJORITY recommendation: Do pass with the following amendments:

On page 21, line 4, after "shareholder" and before the comma, insert "for a writ of mandamus"

On page 62, line 26, after "sections" strike "53" and insert "52"

On page 62, line 27, after "and" strike "54" and insert "53"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

#### POINT OF INQUIRY

Senator Pullen: "Article II, section 1, of the State Constitution says that initiatives to the legislature take priority over all other bills except for appropriation bills. I was wondering why we weren't considering Initiative 62 first?"

Senator Walgren: "It is my understanding that the Secretary of State has failed in his own constitutional duty in certifying the signatures with regard to that particular matter."

Senator Pullen: "Well, Article II, section 1, doesn't say the signatures have to be certified."

President Cherberg: "The measure is not properly before the Senate, Senator, inasmuch as it has not been certified as yet."

Senator Pullen: "Does that mean that when it is certified that we must consider that measure before any other bills?"

President Cherberg: "The President regrets that he does not make constitutional decisions."

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

Senator Lysen moved adoption of the following amendment:

On page 12, following line 18, insert:

"(8) Any corporation or its agent, who in good faith, provides requested information to a state elected official regarding state government contracts shall have absolute and complete immunity from any civil action, suit or proceeding, but such immunity shall not extend to criminal actions or proceedings."

Senator Pullen moved adoption of the following amendment to the amendment by Senator Lysen:

Amend the Lysen Amendment to page 12, line 18 as follows: On line 3 of the amendment, before "to" insert "regarding ferry construction".

### POINT OF INFORMATION

Senator Lysen: "Is this amendment too narrow and restrictive for statutory language? Is it acceptable statutorily, statutorial structure—or is it too narrow and specific?"

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Lysen, in reply to your inquiry, the President believes that the amendment is properly before the Senate, and it is not necessarily, it is a limitation, however."

Debate ensued.

The motion by Senator Pullen carried and the amendment to the amendment was adopted on a rising vote.

Further debate ensued.

Senator Talmadge moved adoption of the following amendment to the amendment by Senator Lysen:

Amend the Lysen Amendment to page 12, line 18 as follows: On line 2 of the amendment, strike "requested" and on line 3, after "official" insert "requested pursuant to legislative subpoena", and on line 5 strike "absolute and complete".

### POINT OF INQUIRY

Senator Clarke: "It is my impression that there presently exists immunity for any information that would be furnished pursuant to a legislative subpoena and if that is so, then I have some apprehension about putting an amendment of this kind into a technical bill, which has been worked on by the Bar Association and the various judiciary people for a long period of time for amendments to the corporate code. And this is something that they have not had an opportunity to consider, so my question is in reality, whether or not by adding your amendment, you are not in effect, simply restating current law?"

Senator Talmadge: "Mr. President, I fully appreciate Senator Clarke's remarks with respect to the addition of an amendment after the model business corporation act has been considered in full by many groups outside of this body. My understanding is, there is an immunity granted to legislators...I am not certain there is an immunity granted to people who testify pursuant to subpoena. I may be wrong in that regard, but I believe that that is true. I would be willing to stand corrected if anyone could supply that information."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, you are in effect requiring a subpoena before, and as Senator Clarke spoke, that is available now in the law. But what you are requiring is a subpoena before you have enough information to justify the request, and you are aware of course of the general administration scandals in Washington, D.C. and numerous other agencies, where it has been some person, either in a corporation or a government employee, that has given this information that has then sparked the investigation. I think we should leave it so that you may get this information in advance without jeopardizing the person that is giving it to you, and that is the intention of Senator Lysen's amendment."

Senator Talmadge: "Senator, I have looked upon the requirement of a legislative subpoena as an additional protection that the adequacy of the situation may be assured. One of the problems that we have identified in discussing this amendment is that there may be situations in which the very transmission of information could result in liability outside of the legislative context and could result in severe problems to corporations doing business in this state. I would suggest that that is an additional, and as I said before, an additional protection, and would simply take care of the problem that Senator Lysen is attempting to deal with, at the same time providing that additional insurance."

Further debate ensued.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

The motion by Senator Lysen failed and the amendment, as amended, was not adopted.

Senator Marsh moved adoption of the following amendment by Senators Marsh and Hayner:

On page 13, line 18, after "name" and before the comma insert "as determined by the secretary of state"

## POINT OF INQUIRY

Senator Van Hollebeke: "I haven't had time to get back to the bill to see what this does. Is this the position opposite of what the Bar Association had taken on this?"

Senator Marsh: "It is a modification of the Bar's position. It doesn't go as far as the Bar Association would have liked us to have gone."

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

On motion of Senator Marsh, the following amendment by Senators Marsh and Hayner was adopted:

On page 57, line 31, after "name" and before the semicolon insert "as determined by the secretary of state"

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

On page 60, beginning on line 7, strike all of the material down to and including the period on line 27.

Renumber the remaining sections consecutively.

On motion of Senator Gallagher, the following amendment by Senators Gallagher and Hayner was adopted:

On page 68, after line 8, add the following:

"(7) Section 155, chapter 53, Laws of 1965 and RCW 23A.44.080."

On motion of Senator Hayner the following amendment by Senators Gallagher and Hayner to the title was adopted:

On page 3 of the title, line 24, after "RCW 23A.40.130;" strike "and", and on line 25, after "RCW 23A.40.140, insert "; and repealing section 155, chapter 53, Laws of 1965 and RCW 23A.44.080".

### MOTIONS

On motion of Senator Jones, Senator Gould was excused.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2119 was advanced to third reading, the second 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. 2119, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Voting nay: Senators Conner, Rasmussen—2.

Excused: Senators Gould, Keefe, Williams—3.

ENGROSSED SENATE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### REPORTS OF STANDING COMMITTEES

January 18, 1979.

SENATE BILL NO. 2124, consolidating food fish and shellfish sellers' and processors' licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for Second Reading.

January 17, 1979.

SENATE BILL NO. 2138, making the sale of a counterfeit controlled substance unlawful (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for Second Reading.

January 18, 1979.

SENATE BILL NO. 2159, changing certain procedures used in the sale and exchange of public lands and materials (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for Second Reading.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2065,

SENATE CONCURRENT RESOLUTION NO. 102.

## MOTION

At 12:55 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Friday, January 19, 1979.

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

## TWELFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 19, 1979.

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, Keefe and Williams. On motion of Senator Wilson, Senators Bottiger, Keefe and Williams were excused.

The Color Guard, consisting of Pages Patty Hatfield and Mike Manning, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND FATHER OF US ALL, AS THESE SENATORS COME TOGETHER FOR ANOTHER DAY, WE PAUSE TO ASK YOUR BLESSING AND GUIDANCE UPON EACH ONE OF THEM.

"WHEN THEY ARE HONESTLY PERPLEXED, GIVE THEM WISDOM TO DETERMINE THE REAL ISSUES AND TO CHOOSE RIGHTLY BETWEEN THEM, WHEN THEY ARE PRESSURED FROM EVERY SIDE, GIVE THEM THE COURAGE TO DECIDE WITHOUT PREJUDICE. WHEN THEY ARE CONFRONTED WITH DIFFICULT DECISIONS, GIVE THEM STRENGTH TO ACT WITHOUT DELAY.

"HELP EACH OF US WHEN WE WANT TO DO THE RIGHT THING BUT DO NOT KNOW WHAT THAT IS. BUT BOTHER US MIGHTILY WHEN WE KNOW PERFECTLY WELL WHAT WE OUGHT TO DO, BUT REFUSE TO DO IT. 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

January 17, 1979.

SENATE BILL NO. 2053, authorizing the formation of park and recreation districts containing portions of two counties (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Woody.

Passed to Committee on Rules for Second Reading.

January 18, 1979.

SENATE BILL NO. 2165, replacing authority for the department of transportation to approve airport sites (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for Second Reading.

January 19, 1979.

SENATE BILL NO. 2206, revising the fees and procedures for commercial feed inspection (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for Second Reading.

### MOTION

At 11:12 a.m., on motion of Senator Walgren, the Senate recessed until 11:55 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2301, by Senators Bluechel, Rasmussen, Clarke and Hayner (by Legislative Budget Committee request):

AN ACT Relating to personal service contracts; amending section 1, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.010; and adding new sections to chapter 191, Laws of 1974 ex. sess. and to chapter 39.29 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2302, by Senators Clarke, Rasmussen, Bluechel and Hayner (by Legislative Budget Committee request):

AN ACT Relating to the common schools; and amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.045.

Referred to Committee on Education.

SENATE BILL NO. 2303, by Senator Williams:

AN ACT Relating to public contracts; amending section 35.23.352, chapter 7, Laws of 1965 as last amended by section 1, chapter 41, Laws of 1977 ex. sess. and RCW 35.23.352; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 267, Laws of 1977 ex. sess. and RCW 36.32.250; adding a new chapter to Title 39 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2304, by Senators Hansen, Guess and Donohue (by Department of Licensing request):

AN ACT Relating to the taxation and regulation of special fuel; amending section 2, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.010; amending section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 5, chapter 317, Laws of 1977 ex. sess. and RCW 82.38.030; amending section 1, chapter 42, Laws of 1973 and RCW 82.38.080; amending section 10, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.090; amending section 11, chapter 175, Laws of 1971 ex. sess. as amended by section 3, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38-.100; amending section 12, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 26, Laws of 1977 and RCW 82.38.110; amending section 13, chapter 175, Laws of 1971 ex. sess. as amended by section 5, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.120; amending section 14, chapter 175, Laws of

1971 ex. sess. as amended by section 2, chapter 26, Laws of 1977 and RCW 82.38.130; amending section 15, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.140; amending section 16, chapter 175, Laws of 1971 ex. sess. as amended by section 6, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.150; amending section 17, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.160; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 3, chapter 26, Laws of 1977 and RCW 82.38.170; amending section 20, chapter 175, Laws of 1971 ex. sess. as last amended by section 8, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.190; amending section 22, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.210; amending section 23, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.220; amending section 24, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.230; amending section 27, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.260; amending section 28, chapter 175, Laws of 1971 ex. sess. as amended by section 4, chapter 26, Laws of 1977 and RCW 82.38.270; adding new sections to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW; and adding a new section to chapter 175, Laws of 1971 ex. sess. and to chapter 82.38 RCW to be codified as RCW 82.38.235.

Referred to Committee on Transportation.

SENATE BILL NO. 2305, by Senators Bausch, Clarke and Walgren (by Department of Licensing request):

AN ACT Relating to escrow; and amending section 5, chapter 153, Laws of 1965 as last amended by section 5, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.050.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2306, by Senators Bausch and Clarke (by Department of Licensing request):

AN ACT Relating to franchises; amending section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210; and adding new sections to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2307, by Senators Hansen and Guess (by Department of Licensing request):

AN ACT Relating to revenue and taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.010; amending section 82.36.030, chapter 15, Laws of 1961 and RCW 82.36.030; amending section 82.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 28, Laws of 1977 and RCW 82.36.040; amending section 82.36.060, chapter 15, Laws of 1961 as amended by section 1, chapter 96, Laws of 1973 and RCW 82.36.060; amending section 82.36.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1973 and RCW 82.36.070; amending section 82.36.080, chapter 15, Laws of 1961 and RCW 82.36.080; amending section 82.36.150, chapter 15, Laws of 1961 as amended by section 5, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.150; amending section 82.36.170, chapter 15, Laws of 1961 and RCW 82.36.170; amending section 82.36.180, chapter 15, Laws of 1961 as last amended by section 6, chapter 89, Laws of 1967 ex. sess. and RCW 82.36.180; amending section 82.36.210, chapter 15, Laws of 1961 as last amended by section 8, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.210; amending section 82.36.220, chapter 15, Laws of 1961 as last amended by section 20, chapter 22, Laws of 1963 ex. sess. and RCW 82.36.220; amending section 82.36.430, chapter 15, Laws of 1961 and RCW 82.36.430; amending section 2, chapter 22, Laws of 1963 ex. sess. as amended by section 1, chapter 67, Laws of 1965 and RCW 82.37.020; adding new sections to chapter 82.36 RCW; adding a

new section to chapter 82.42 RCW; and repealing section 82.36.100, chapter 15, Laws of 1961, section 2, chapter 7, Laws of 1961 ex. sess., section 3, chapter 83, Laws of 1967 ex. sess., section 3, chapter 317, Laws of 1977 ex. sess. and RCW 82.36.100.

Referred to Committee on Transportation.

SENATE BILL NO. 2308, by Senators Day and Vognild:

AN ACT Relating to emergency medical services; amending section 1, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.010; amending section 3, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.030; amending section 4, chapter 208, Laws of 1973 1st ex. sess. as amended by section 43, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.73.040; amending section 6, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.060; amending section 7, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.070; amending section 8, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.080; amending section 10, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.100; amending section 11, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.110; amending section 12, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.120; amending section 15, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.150; amending section 16, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.160; amending section 17, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.170; amending section 18, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.180; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2309, by Senators Donohue, Matson and Walgren:

AN ACT Relating to revenue and taxation; and amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2310, by Senators Rasmussen, Day and Lewis (by State Treasurer request):

AN ACT Relating to the state treasurer; and adding a new section to chapter 43.08 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2311, by Senators Bausch, Quigg and Talley:

AN ACT Relating to credit unions; amending section 31, chapter 173, Laws of 1933 as last amended by section 83, chapter 81, Laws of 1971 and RCW 31.12.360; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2312, by Senators Hansen, Clarke and Bottiger:

AN ACT Relating to the Washington state ferry system; amending section 47.60.310, chapter 13, Laws of 1961 as amended by section 1, chapter 29, Laws of 1977 and RCW 47.60.310; amending section 3, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.530; adding a new section to chapter 47.60 RCW; repealing section 47.60.290, chapter 13, Laws of 1961, section 6, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.290; repealing section 47.60.300, chapter 13, Laws of 1961 and RCW 47.60.300; repealing section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2313, by Senators Rasmussen, Marsh, Gaspard, Lee and Quigg:

AN ACT Relating to credit unions; amending section 3, chapter 23, Laws of 1957 as last amended by section 1, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.020; amending section 4, chapter 173, Laws of 1933 as amended by section 4,

chapter 131, Laws of 1943 and RCW 31.12.080; amending section 5, chapter 173, Laws of 1933 as last amended by section 1, chapter 138, Laws of 1959 and RCW 31.12.090; amending section 9, chapter 173, Laws of 1933 as last amended by section 1, chapter 48, Laws of 1953 and RCW 31.12.130; amending section 15, chapter 173, Laws of 1933 as last amended by section 1, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.190; amending section 18, chapter 173, Laws of 1933 as last amended by section 7, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.220; amending section 22, chapter 173, Laws of 1933 as amended by section 3, chapter 213, Laws of 1947 and RCW 31.12.250; amending section 20, chapter 173, Laws of 1933 as last amended by section 5, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.260; amending section 11, chapter 23, Laws of 1957 as last amended by section 6, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.270; amending section 12, chapter 23, Laws of 1957 as last amended by section 7, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.280; amending section 13, chapter 23, Laws of 1957 as last amended by section 13, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.290; amending section 25, chapter 173, Laws of 1933 as last amended by section 8, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.310; amending section 26, chapter 173, Laws of 1933 as last amended by section 14, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.320; amending section 27, chapter 173, Laws of 1933 as last amended by section 14, chapter 180, Laws of 1967 and RCW 31.12.330; amending section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440; creating new sections; adding new sections to chapter 31.12 RCW; adding a new section to chapter 11.62 RCW; and providing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2314, by Senators Bausch and Clarke (by Department of Licensing request):

AN ACT Relating to securities; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005; amending section 4, chapter 282, Laws of 1959 as last amended by section 2, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.040; amending section 5, chapter 282, Laws of 1959 as last amended by section 3, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.050; amending section 7, chapter 282, Laws of 1959 as last amended by section 4, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.070; amending section 8, chapter 282, Laws of 1959 as amended by section 5, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.080; amending section 9, chapter 282, Laws of 1959 as last amended by section 6, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.090; amending section 11, chapter 282, Laws of 1959 as last amended by section 7, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.110; amending section 12, chapter 282, Laws of 1959 as amended by section 8, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.120; amending section 13, chapter 282, Laws of 1959 as amended by section 9, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.130; amending section 10, chapter 37, Laws of 1961 as amended by section 3, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.135; amending section 18, chapter 282, Laws of 1959 as amended by section 4, chapter 37, Laws of 1961 and RCW 21.20.180; amending section 20, chapter 282, Laws of 1959 and RCW 21.20.200; amending section 21, chapter 282, Laws of 1959 as amended by section 1, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.210; amending section 23, chapter 282, Laws of 1959 as last amended by section 11, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.230; amending section 25, chapter 282, Laws of 1959 and RCW 21.20.250; amending section 12, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.275; amending section 28, chapter 282, Laws of 1959 as amended by section 15, chapter 84, Laws of 1975 1st ex. sess. and

RCW 21.20.280; amending section 29, chapter 282, Laws of 1959 and RCW 21.20.290; amending section 30, chapter 282, Laws of 1959 and RCW 21.20.300; amending section 1, chapter ... (House Bill No. ...), Laws of 1979 and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 2, chapter 172, Laws of 1977 ex. sess. and RCW 21.20.320; amending section 3, chapter 199, Laws of 1967 as last amended by section 3, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.325; amending section 33, chapter 282, Laws of 1959 as amended by section 19, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.330; amending section 34, chapter 282, Laws of 1959 as last amended by section 3, chapter 172, Laws of 1977 ex. sess. and by section 4, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.340; amending section 37, chapter 282, Laws of 1959 as amended by section 2, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.370; amending section 38, chapter 282, Laws of 1959 as last amended by section 22, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.380; amending section 39, chapter 282, Laws of 1959 as last amended by section 23, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.390; amending section 40, chapter 282, Laws of 1959 as amended by section 5, chapter 17, Laws of 1965 and RCW 21.20.400; amending section 41, chapter 282, Laws of 1959 and RCW 21.20.410; amending section 43, chapter 282, Laws of 1959 as last amended by section 4, chapter 172, Laws of 1977 ex. sess. and RCW 21.20.430; amending section 13, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.435; amending section 44, chapter 282, Laws of 1959 and RCW 21.20.440; amending section 45, chapter 282, Laws of 1959 as amended by section 25, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.450; amending section 47, chapter 282, Laws of 1959 as amended by section 64, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 21.20.470; amending section 48, chapter 282, Laws of 1959 and RCW 21.20.480; amending section 50, chapter 282, Laws of 1959 and RCW 21.20.500; amending section 52, chapter 282, Laws of 1959 and RCW 21.20.520; amending section 53, chapter 282, Laws of 1959 and RCW 21.20.530; amending section 56, chapter 282, Laws of 1959 as amended by section 4, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.560; amending section 58, chapter 282, Laws of 1959 and RCW 21.20.580; amending section 9, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.720; amending section 11, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.740; amending section 12, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.745; amending section 64, chapter 282, Laws of 1959 and RCW 21.20.915; and repealing section 27, chapter 84, Laws of 1975 1st ex. sess. and RCW 21.20.235.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2315, by Senators Peterson, Talley and Quigg:

AN ACT Relating to the department of game; adding a new section to chapter 77.32 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2316, by Senators Van Hollebeke, Wojahn and Morrison (by Department of Licensing request):

AN ACT Relating to real estate brokers and salespersons; adding new sections to chapter 18.85 RCW; creating a new section; repealing section 2, chapter 252, Laws of 1941, section 1, chapter 118, Laws of 1943, section 1, chapter 222, Laws of 1951, section 1, chapter 235, Laws of 1953, section 1, chapter 78, Laws of 1969, section 1, chapter 139, Laws of 1972 ex. sess., section 1, chapter 57, Laws of 1973 1st ex. sess., section 1, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.010; repealing section 5, chapter 252, Laws of 1941, section 1, chapter 111, Laws of 1945, section 2, chapter 222, Laws of 1951, section 2, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.030; repealing section 4, chapter 252, Laws of 1941, section 3, chapter 222, Laws of 1951, section 2, chapter 235, Laws of 1953, section 3, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.040; repealing section 5, chapter 252,

Laws of 1941, section 1, chapter 111, Laws of 1945, section 4, chapter 222, Laws of 1951, section 3, chapter 235, Laws of 1953, section 4, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.050; repealing section 8, chapter 252, Laws of 1941, section 5, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.060; repealing section 17, chapter 235, Laws of 1953, section 6, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.071; repealing section 14, chapter 252, Laws of 1941, section 6, chapter 222, Laws of 1951, section 4, chapter 235, Laws of 1953, section 49, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.85.080; repealing section 18, chapter 235, Laws of 1953, section 1, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.085; repealing section 15, chapter 252, Laws of 1941, section 7, chapter 222, Laws of 1951, section 5, chapter 235, Laws of 1953, section 8, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.090; repealing section 7, chapter 139, Laws of 1972 ex. sess., section 2, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.095; repealing section 8, chapter 222, Laws of 1951, section 9, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.100; repealing section 3, chapter 252, Laws of 1941, section 9, chapter 222, Laws of 1951, section 10, chapter 139, Laws of 1972 ex. sess., section 9, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.110; repealing section 10, chapter 222, Laws of 1951, section 6, chapter 235, Laws of 1953, section 1, chapter 42, Laws of 1973 1st ex. sess., section 2, chapter 24, Laws of 1977 ex. sess., section 3, chapter 370, Laws of 1977 ex. sess., section 1, chapter ... (Senate Bill No. ...), Laws of 1979 and RCW 18.85.120; repealing section 11, chapter 222, Laws of 1951, section 11, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.130; repealing section 12, chapter 222, Laws of 1951, section 7, chapter 235, Laws of 1953, section 12, chapter 139, Laws of 1972 ex. sess., section 3, chapter 24, Laws of 1977 ex. sess., section 4, chapter 370, Laws of 1977 ex. sess., section 2, chapter ... (Senate Bill No. ...), Laws of 1979 and RCW 18.85.140; repealing section 13, chapter 222, Laws of 1951, section 8, chapter 235, Laws of 1953, section 13, chapter 139, Laws of 1972 ex. sess., section 4, chapter 24, Laws of 1977 ex. sess., section 5, chapter 370, Laws of 1977 ex. sess., section 3, chapter ... (Senate Bill No. ...), Laws of 1979 and RCW 18.85.150; repealing section 14, chapter 139, Laws of 1972 ex. sess., section 6, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.155; repealing section 21, chapter 222, Laws of 1951, section 9, chapter 235, Laws of 1953, section 15, chapter 139, Laws of 1972 ex. sess., section 7, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.161; repealing section 22, chapter 222, Laws of 1951 and RCW 18.85.163; repealing section 10, chapter 252, Laws of 1941, section 2, chapter 111, Laws of 1945, section 14, chapter 222, Laws of 1951, section 16, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.170; repealing section 15, chapter 222, Laws of 1951, section 41, chapter 52, Laws of 1957 and RCW 18.85.180; repealing section 42, chapter 52, Laws of 1957, section 17, chapter 139, Laws of 1972 ex. sess., section 5, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.190; repealing section 43, chapter 52, Laws of 1957, section 17, chapter 266, Laws of 1971 ex. sess. and RCW 18.85.200; repealing section 27, chapter 252, Laws of 1941, section 8, chapter 203, Laws of 1947, section 10, chapter 235, Laws of 1953, section 18, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.210; repealing section 8, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.215; repealing section 7, chapter 252, Laws of 1941, section 11, chapter 235, Laws of 1953, section 1, chapter 22, Laws of 1967 and RCW 18.85.220; repealing section 19, chapter 252, Laws of 1941, section 5, chapter 118, Laws of 1943, section 8, chapter 111, Laws of 1945, section 5, chapter 203, Laws of 1947, section 16, chapter 222, Laws of 1951, section 12, chapter 235, Laws of 1953, section 3, chapter 22, Laws of 1967, section 19, chapter 139, Laws of 1972 ex. sess., section 1, chapter 204, Laws of 1977 ex. sess., section 1, chapter 261, Laws of 1977 ex. sess., section 4, chapter ... (Senate Bill No. ...), Laws of 1979 and RCW 18.85.230; repealing section 45, chapter 252, Laws of 1957 and RCW 18.85.240; repealing section 23, chapter 222, Laws of 1951 and RCW 18.85.251; repealing section 24, chapter 222, Laws of

1951 and RCW 18.85.261; repealing section 25, chapter 222, Laws of 1951, section 20, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.271; repealing section 26, chapter 222, Laws of 1951 and RCW 18.85.281; repealing section 17, chapter 222, Laws of 1951, section 46, chapter 52, Laws of 1957, section 62, chapter 81, Laws of 1971, section 21, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.290; repealing section 17, chapter 252, Laws of 1941, section 3, chapter 118, Laws of 1943, section 18, chapter 222, Laws of 1951 and RCW 18.85.300; repealing section 19, chapter 222, Laws of 1951, section 13, chapter 235, Laws of 1953, section 44, chapter 52, Laws of 1957 and RCW 18.85.310; repealing section 26, chapter 252, Laws of 1941, section 7, chapter 118, Laws of 1943, section 7, chapter 203, Laws of 1947, section 14, chapter 235, Laws of 1953 and RCW 18.85.320; repealing section 24, chapter 252, Laws of 1941, section 6, chapter 118, Laws of 1943, section 15, chapter 235, Laws of 1953 and RCW 18.85.330; repealing section 23, chapter 252, Laws of 1941, section 20, chapter 222, Laws of 1951 and RCW 18.85.340; repealing section 2, chapter 261, Laws of 1977 ex. sess. and RCW 18.85.343; repealing section 9, chapter 252, Laws of 1941 and RCW 18.85.345; repealing section 16, chapter 235, Laws of 1953, section 48, chapter 52, Laws of 1957, section 2, chapter 22, Laws of 1967 and RCW 18.85.350; repealing section 49, chapter 52, Laws of 1957 and RCW 18.85.360; repealing section 2, chapter 78, Laws of 1969 and RCW 18.85.400; repealing section 6, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.450; repealing section 7, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.460; repealing section 8, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.470; repealing section 9, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.480; repealing section 28, chapter 252, Laws of 1941 and RCW 18.85.900; repealing section 27, chapter 222, Laws of 1951 and RCW 18.85.910; repealing section 22, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.920; prescribing penalties; and making appropriations.

Referred to Committee on Commerce.

**SENATE BILL NO. 2317**, by Senators Ridder, Lysen and McDermott:

AN ACT Relating to reductions in workers' compensation based on receipt of federal benefits; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as amended by section 19, chapter 323, Laws of 1977 ex. sess. and RCW 51.32.220; and creating a new section.

Referred to Committee on Labor.

**SENATE BILL NO. 2318**, by Senators Rasmussen, Gould and Fleming (by State Treasurer request):

AN ACT Relating to state funds and accounts; amending section 4, chapter 15, Laws of 1973 1st ex. sess. and RCW 43.79A.040; amending section 43.84.090, chapter 8, Laws of 1965 as last amended by section 1, chapter 123, Laws of 1975-'76 2nd ex. sess. and RCW 43.84.090; and creating a new section.

Referred to Committee on State Government.

**SENATE BILL NO. 2319**, by Senator Rasmussen:

AN ACT Relating to domestic relations; adding a new section to chapter 26.32 RCW; creating a new section; and providing an effective date.

Referred to Judiciary Committee.

**SENATE BILL NO. 2320**, by Senators Day, Marsh, Bottiger, Fleming, von Reichbauer, Conner, Odegaard, McDermott, Goltz, Moore, Rasmussen, Talmadge and Gould (by Executive request):

AN ACT Relating to criminal justice; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2321, by Senators Peterson, Talley and Quigg:

AN ACT Relating to the department of game; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 12, chapter 200, Laws of 1973 1st ex. sess. and RCW 77.12.170; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2322, by Senators Peterson, Talley and Quigg:

AN ACT Relating to game; amending section 77.16.250, chapter 36, Laws of 1955 and RCW 77.16.250; and defining crimes.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2323, by Senators Bluechel, Shinpoch and Newschwander (by Legislative Budget Committee request):

AN ACT Relating to public employment; providing for exemption of certain management personnel from classified service; adding a new section to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2324, by Senators Rasmussen, Donohue, McDermott and Odegaard (by Department of General Administration request):

AN ACT Relating to state facilities; and amending section 43.19.450, chapter 8, Laws of 1965 and RCW 43.19.450.

Referred to Committee on State Government.

SENATE BILL NO. 2325, by Senators Bottiger, Gould, Rasmussen and McDermott (by State Superintendent of Public Instruction request):

AN ACT Relating to school construction standards relative to fire prevention and safety and mandating certain plan reviews and construction inspections; and amending section 1, chapter 70, Laws of 1972 ex. sess. and RCW 48.48.045.

Referred to Committee on Education.

SENATE BILL NO. 2326, by Senators Rasmussen and Donohue (by Department of General Administration request):

AN ACT Relating to state government real estate; amending section 43.82.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1969 and RCW 43.82.010; amending section 43.82.020, chapter 8, Laws of 1965 and RCW 43.82.020; and amending section 43.82.125, chapter 8, Laws of 1965 and RCW 43.82.125.

Referred to Committee on State Government.

SENATE BILL NO. 2327, by Senators Rasmussen and Donohue (by Department of General Administration request):

AN ACT Relating to the department of general administration; amending section 119-A, chapter 235, Laws of 1945 and RCW 33.04.010; amending section 7, chapter 246, Laws of 1957 as last amended by section 5, chapter 54, Laws of 1973 and RCW 40.14.070; amending section 43.19.010, chapter 8, Laws of 1965 as amended by section 1, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.010; amending section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 5, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.1906; amending section 43.19.1919, chapter 8, Laws of 1965 as amended by section 11, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1919; amending section 43.19.1923, chapter 8, Laws of 1965 as last amended by section 12, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1923; amending section 43.19.1925, chapter 8, Laws of 1965 as last amended by section 8, chapter 40, Laws of 1975 and RCW 43.19.1925; amending section 43.19.1927, chapter 8, Laws of 1965 and RCW 43.19.1927; amending section 43.19.200, chapter 8, Laws of 1965 as amended by section 111, chapter 81, Laws of 1971 and RCW 43.19.200; amending section 10, chapter 167,

Laws of 1975 1st ex. sess. and RCW 43.19.600; amending section 11, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.605; amending section 13, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.615; adding new sections to chapter 43.19 RCW; repealing section 1, chapter 179, Laws of 1933, section 1, chapter 164, Laws of 1937 and RCW 39.24.020; repealing section 2, chapter 179, Laws of 1933 and RCW 39.24.030; repealing section 3, chapter 179, Laws of 1933 and RCW 39.24.040; repealing section 1, chapter 139, Laws of 1967 and RCW 39.25.010; repealing section 2, chapter 139, Laws of 1967 and RCW 39.25.020; repealing section 3, chapter 139, Laws of 1967 and RCW 39.25.030; repealing section 43.19.015, chapter 8, Laws of 1965 and RCW 43.19.015; repealing section 1, chapter 217, Laws of 1945 and RCW 73.12.010; repealing section 4, chapter 217, Laws of 1945 and RCW 73.12.030; repealing section 6, chapter 217, Laws of 1945 and RCW 73.12.050; repealing section 7, chapter 217, Laws of 1945 and RCW 73.12.060; repealing section 1, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.010; repealing section 3, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.020; repealing section 4, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.030; repealing section 5, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.040; repealing section 6, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.050; repealing section 7, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.060; repealing section 8, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.070; and repealing section 9, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44-080.

Referred to Committee on State Government.

**SENATE BILL NO. 2328**, by Senators Rasmussen and Donohue (by Department of General Administration request):

AN ACT Relating to public works; amending section 35A.40.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.200; amending section 1, chapter 63, Laws of 1945 as amended by section 1, chapter 14, Laws of 1967 ex. sess. and RCW 39.12.020; amending section 2, chapter 20, Laws of 1975 and RCW 39.23.010; amending section 3, chapter 191, Laws of 1974 ex. sess. and RCW 39.29.030; amending section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010; adding new sections to chapter 39.04 RCW; repealing section 1, chapter 183, Laws of 1923, section 1, chapter 177, Laws of 1977 ex. sess. and RCW 39.04.010; repealing section 2, chapter 183, Laws of 1923, section 1, chapter 70, Laws of 1967, section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020; repealing sections 3 through 10, chapter 183, Laws of 1923 and RCW 39.04.040 through 39.04.110; repealing sections 1 and 2, chapter 62, Laws of 1973 1st ex. sess. and RCW 39.04.120 and 39.04.130; repealing section 1, chapter 194, Laws of 1974 ex. sess. and RCW 39.04.140; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

**SENATE BILL NO. 2329**, by Senators Rasmussen and Donohue (by Department of General Administration request):

AN ACT Relating to purchasing and material control for state government; amending section 3, chapter 32, Laws of 1969 as last amended by section 4, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.190; amending section 43.19.1919, chapter 8, Laws of 1965 as amended by section 11, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1919; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 2330, by Senators North and Wilson (by Insurance Commissioner request):

AN ACT Relating to insurance; repealing section .17.51, chapter 79, Laws of 1947, section 8, chapter 197, Laws of 1953, section 15, chapter 303, Laws of 1955 and RCW 48.17.510; and repealing section .17.52, chapter 79, Laws of 1947, section 9, chapter 197, Laws of 1953 and RCW 48.17.520.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2331, by Senators Van Hollebeke, Wojahn and Morrison (by Department of Licensing request):

AN ACT Relating to multiple listing associations; amending section 2, chapter 78, Laws of 1969 and RCW 18.85.400; and adding new sections to chapter 18.85 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2332, by Senators North and Wilson (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .17.15, chapter 79, Laws of 1947 as last amended by section 47, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.150.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2333, by Senators Hansen, Clarke, Hayner, Talley, Bausch and Bluechel:

AN ACT Relating to civil causes of action; adding a new section to chapter 4.16 RCW; adding new sections to chapter 4.22 RCW; adding a new chapter to Title 4 RCW; adding a new section to chapter 51.24 RCW; and repealing section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010.

Referred to Committee on Financial Institutions and Insurance.

### MOTION

Senator Marsh moved that Senate Bill No. 2333 be referred to the Judiciary Committee.

Debate ensued.

### POINT OF INQUIRY

Senator Goltz: "Senator Marsh, I think many of us feel that this bill is probably the most important substantive bill which this session of the legislature may have to deal with as new legislation. And I think we are committed to facing up to the issues in this bill and therefore we want, those of us who are not in either of these committees, to be sure that it be given a fair hearing, that it be worked and that if at all possible, it be brought back to this floor for our consideration here.

"When I asked you earlier today, what predisposition you had toward this bill you were very reassuring to me, and it might be reassuring to the other members if you would state your commitment to getting that series of actions done."

Senator Marsh: "Yes, thank you, Senator Goltz. I have committed to my caucus, and to you, and to others who have asked me, to a hearing on this bill on February 14th. I can assure you that it will be a fair hearing and that we will hear all the parties that are concerned. If it is the will of the majority of that committee, a majority of which are non-practicing attorneys we will get the bill out, back to this floor and hopefully the bill will be in such shape that it will be in the public interest. I really feel that something needs to be done in this area. I am committed to doing something in this area, but I want to be sure that we preserve the right of injured consumers to have their day in court."

## POINT OF INQUIRY

Senator Fleming: "Senator, how many members serve on your committee?"

Senator Marsh: "Nine."

Senator Fleming: "Nine. And you said the majority of the members are non-practicing attorneys."

Senator Marsh: "That is correct."

Senator Fleming: "Isn't it also a fact two of those members might be considered lawyers if they had passed the bar, or they got their license in some other state?"

Senator Marsh: "Two of the additional members are legally trained."

Senator Fleming: "So the majority of the committee would be legally trained in the field of law."

Senator Marsh: "That is correct. And I think that is a plus that people are legally trained."

## MOTION

On motion of Senator Talmadge a roll call was demanded. The demand was sustained.

The President declared the question before the Senate to be the motion by Senator Marsh that Senate Bill No. 2333 be referred to the Judiciary Committee.

## ROLL CALL

The Secretary called the roll and the motion by Senator Marsh failed by the following vote: Yeas, 15; nays, 31; excused, 3.

Voting yea: Senators Conner, Day, Donohue, Gaspard, Goltz, Lysen, Marsh, McDermott, Moore, Pullen, Ridder, Talmadge, Van Hollebeke, Walgren, Wojahn—15.

Voting nay: Senators Bausch, Benitz, Bluechel, Clarke, Fleming, Gallagher, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wanamaker, Wilson, Woody—31.

Excused: Senators Bottiger, Keefe, Williams—3.

Senate Bill No. 2333 was referred to the Committee on Financial Institutions and Insurance.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2334, by Senators Rasmussen, Matson, Hansen and Gaspard:

AN ACT Relating to real property; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 2335, by Senators Fleming, Jones, Ridder, Morrison, Day, McDermott, North and Lee (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

AN ACT Relating to nursing homes; adding a new chapter to Title 74 RCW; repealing section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550; repealing section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560; repealing section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570; repealing section 4, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.580; making an appropriation; and providing effective dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2336, by Senators Fleming, Jones, McDermott, Morrison, Ridder, Day and North (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

AN ACT Relating to resident care and nursing homes; amending section 8, chapter 117, Laws of 1951 and RCW 18.51.070; amending section 11, chapter 117, Laws of 1951 as amended by section 1, chapter 85, Laws of 1971 ex. sess. and RCW 18.51.100; amending section 12, chapter 117, Laws of 1951 and RCW 18.51.110; amending section 1, chapter 244, Laws of 1977 ex. sess. and RCW 18.51.310; creating new sections; adding a new section to chapter 18.51 RCW; repealing section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953, section 2, chapter 213, Laws of 1975 1st ex. sess. and RCW 18.51.090; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2337, by Senators Fleming, Jones, North, Morrison, Buffington, Ridder, Day, McDermott and Hayner (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

AN ACT Relating to medical care; adding new sections to chapter 74.09 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2338, by Senators Fleming, Jones, North, McDermott, Ridder, Morrison and Day (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

AN ACT Relating to nursing homes; amending section 7, chapter 117, Laws of 1951 as last amended by section 2, chapter 99, Laws of 1975 1st ex. sess. and RCW 18.51.060; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2339, by Senators Fleming, Jones, Ridder, McDermott, North, Day, Morrison and Lee (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

AN ACT Relating to nursing homes; and adding a new chapter to Title 18 RCW.

Referred to Committee on Social and Health Services.

SENATE JOINT RESOLUTION NO. 114, by Senators North, Wilson, Lewis and Hayner:

Amending the Constitution to grant counties home-rule powers.

Referred to Committee on Local Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2301, 2302, 2313, 2320, 2323, 2324, 2325, 2333, 2334, 2335, 2336, 2337, 2338, 2339 and SJR 114.

SENATE CONCURRENT RESOLUTION NO. 104, by Senators Guess, Conner, Benitz, Bluechel, Gould, Gaspard, Moore, Morrison, Matson, Scott, Goltz, von Reichbauer, Gallagher, Day, Lewis, Walgren, Lee, Wanamaker, Jones, Hayner, Odegaard, Talmadge, Hansen, Vognild, Woody, Quigg, Bausch, Bottiger, Clarke, Donohue, Fleming, Henry, Keefe, Lysen, Marsh, McDermott, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Van Hollebeke, Williams, Wilson and Wojahn:

Thanking the members of the state patrol for the "Work-A-Day" program.

Referred to Committee on State Government.

#### MOTION

On motion of Senator Guess, all members were permitted as additional sponsors to Senate Concurrent Resolution No. 104.

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

REPORTS OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENTS

January 18, 1979.

**TERUKO OGATA DANIEL**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on December 18, 1978 for the term ending June 30, 1980, succeeding Hiro Nishimura (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on rules.

January 18, 1979.

**MR. ATONIO P. L. MAILO**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**MR. TUYEN NGOC PHAM**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**MARGARET ZAMUDIO**, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on June 28, 1978 for the term ending June 30, 1979, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**MS. MARY MARTI**, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1981, succeeding Leonardo Ruiz (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979

**ROBERTO LOPEZ**, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the

term ending June 30, 1979, succeeding Thomas Cerna (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

ARTHUR E. HERNANDEZ, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on June 28, 1978 for the term ending June 30, 1981, succeeding Ray Baca (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

PETE GARZA, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1979, succeeding Keo J. Capestany (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

MR. JAIME R. GARZA, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1981, succeeding Max Perez (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

DAVID C. GARCIA, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1981, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

ARMANDO G. GARCIA, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1979, succeeding Alfred Diaz (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

MIGUEL ESQUEVEL, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1979, succeeding Ray Baca (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

THOMAS CERNA, JR., to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on February 21, 1978 for the term ending June 30, 1981, succeeding Guadalupe Zuniga (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

JERONIMO ARROYO, to the position of member of the Commission on Mexican-American Affairs, appointed by the Governor on November 14, 1978 for the term ending June 30, 1981, succeeding Wayne Aragon (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

PROFESSOR H. T. WONG, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1980, succeeding Richard Doi (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

CAL UNDERHILL, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1980, succeeding Dr. Barry Mar (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

JOE TOKUNAGA, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding Andy Pabo Pascua (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

REVEREND JOHN L. F. SLEE, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding Gregory Ying-Niem Tsang (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

PAULL H. SHIN, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules

January 18, 1979.

MS. JO-ELAINE AKEMI MATSUMOTO, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding Doris L. Lock (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

JAMES M. MAR, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1980, succeeding Duc Hong Duong (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

RAYMOND T. LEW, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding Don Kanzama (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

MR. TAKI KUBOTA, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending

June 30, 1980, succeeding Mary Jean Buza (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**ROBERT B. KRISOLOGO**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**MR. YOSHIO KOSAI**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**MR. PHOUNE KEOMAHAVONG**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding Mako Nakagawa (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**PAUL SHIGEMI ISAKI**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding Amy Y. Wong (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

**MS. JENI KAY FUNG**, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

MS. PAULA FRIAL, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1979, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

RAY E. CORPUZ, JR., to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1980, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

TONY P. BORROMEO, JR., to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on April 4, 1978 for the term ending June 30, 1980, succeeding Philip Hayasaka (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

CONSTANTINE (TONY) BARUSO, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 18, 1979.

MS. LEA JANE ARMSTRONG, to the position of member of the Commission on Asian-American Affairs, appointed by the Governor on June 26, 1978 for the term ending June 30, 1981, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 19, 1979.

BOB MICKELSON, to the position of Director of the Department of Agriculture, appointed by the Governor on January 12, 1978 for the term ending at the Governor's pleasure, succeeding Gary Strohmaier (reported by the Committee on Agriculture):

Recommends that said appointment be confirmed.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules.

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

### MOTION

Senator Day moved the appointment of Gerald Thompson as Secretary of the Department of Social and Health Services be confirmed.

### POINT OF INQUIRY

Senator von Reichbauer: "Senator Day, in the hearing before your committee, and the interview of the director designee, did he address himself to the question of separating the Department of Institutions from the Department of Social and Health Services?"

Senator Day: "I don't believe he addressed himself to that issue. He did address himself to the issue of the separation of Corrections and said he felt that the thing could be managed without separation."

Senator von Reichbauer: "Without separation."

Senator Day: "Yes."

Senator von Reichbauer: "Thank you."

### POINT OF INQUIRY

Senator Lysen: "Sometime ago, I think it was in December, I received a letter from Mr. Thompson saying that he wanted all inquiries from legislators to go through his office if it had anything to do with the department. I see there is a proliferation of legislative liaison in all the departments. But what I like to do, I like to talk to people on my own to find out information and I don't think it should be necessary for myself, as an elected state official, to have to file every single one of my inquiries through his office. I think that is inappropriate and I would oppose that. Did that issue come up in the confirmation hearing?"

Senator Day: "No, it didn't. However, I spoke to him previously on that subject. And I think what he was attempting to convey to the legislature was that if you did not acquire the information that you needed, and the action that you needed, that you were then to direct the things directly to him and he would give them his attention."

The motion by Senator Day carried and the appointment of Gerald Thompson as Secretary of the Department of Social and Health Services was confirmed.

### APPOINTMENT OF GERALD THOMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vogniild, Walgren, Wanamaker, Wilson, Wojahn, Woody—42.

Voting nay: Senators Conner, Donohue, Lysen, Van Hollebeke, von Reichbauer—4.

Excused: Senators Bottiger, Keefe, Williams—3.

## MOTIONS

On motion of Senator Donohue, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2256.

On motion of Senator Donohue, Senate Bill No. 2256 was rereferred to the Committee on State Government.

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

## MESSAGE FROM THE HOUSE

January 19, 1979.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 101, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate adjourned until 12:00 noon, Monday, January 22, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, January 22, 1979.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Keefe, Matson and Rasmussen. On motion of Senator Wilson, Senators Keefe and Rasmussen were excused. On motion of Senator Newschwander, Senator Matson was excused. On motion of Senator Jones, Senator Hayner was excused.

The Color Guard, consisting of Pages Teresa Fry and Mark Saltvig, presented the Colors. Reverend Charles Loyer, pastor of the Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD, AS THIS LEGISLATURE AGAIN CONVENES, THE WORLD EVENTS OF RECENT WEEKS REMIND US OF THE FRIGHTFUL PRICE PEOPLE ARE STILL WILLING TO PAY FOR A TRULY REPRESENTATIVE GOVERNMENT. FORGIVE US THAT WE TOO READILY TAKE FOR GRANTED OUR OWN. RESTORE TO OUR PEOPLE A PRIDE IN THEIR DEMOCRATIC INSTITUTIONS AND A WILLINGNESS TO SUPPORT THEM. CREATE BETWEEN LEGISLATOR AND CONSTITUENT A SPIRIT OF MUTUAL RESPECT AND TRUST: THE CONSTITUENT GRANTING TO THE LEGISLATOR THE FREEDOM TO REPRESENT, AND THE LEGISLATOR FULFILLING FOR THE CONSTITUENT HIS RIGHT TO BE REPRESENTED.

"OUR FATHER, BLESS OUR LEGISLATORS AS THEY FACE ANOTHER ROUND OF COMPLEX ISSUES. OUT OF THE GIVE AND TAKE OF COMMITTEE ACTIONS MAY THERE SURFACE A WISDOM GREATER EVEN THAN THAT PREDICATED BY THE SUM OF THEIR IQ'S. 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

January 18, 1979.

SENATE BILL NO. 2097, recognizing mopeds as motor vehicles for certain purposes (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2097 be substituted therefor, and that Substitute Senate Bill No. 2097 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

January 17, 1979.

SENATE BILL NO. 2213, making various changes in the Juvenile Justice Act of 1977 (reported by Committee on Judiciary):

Recommendation: That Substitute Senate Bill No. 2213 be substituted therefor, and that Substitute Senate Bill No. 2213 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.  
Passed to Committee on Rules for second reading.

January 18, 1979.

SENATE BILL NO. 2260, enlarging the B & O tax deductions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Rereferred to Committee on Ways and Means.

### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

January 18, 1979.

CARL BARR, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1979, succeeding Merlin Taylor (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

MS. VALETA R. BIGGS, R.N., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1979, succeeding Zoe B. Lucke (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

WILLIAM CLARK, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1978, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

MS. ANNA MAE ERICKSEN, R.N., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1980, succeeding herself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

LOWELL D. HAUGEN, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1980, succeeding Rance Freeman (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

ROBERT M. JOHNSON, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1979, succeeding Michael Olsen (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

MS. SANDRA LEVY, R.N., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1979, succeeding Dr. Frederic C. Helm (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

DR. MARVIN A. WAYNE, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on March 21, 1978 for the term ending July 1, 1979, succeeding Dr. William Henry (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

WILLIAM M. CLARK, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on September 11, 1978 for the term ending July 1, 1981, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

January 18, 1979.

DR. M. SCOTT LINSKOTT, JR., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on September 11, 1978 for the term ending July 1, 1981, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

MESSAGE FROM THE SECRETARY OF STATE

DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY

January 18, 1979

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

DEAR SIR:

We herewith respectfully transmit for your consideration, pursuant to Article II, Section 1, of the state constitution and RCW 29.79.200, the certification of the sufficiency of Initiative to the Legislature 62 together with a copy of the full, true and complete text of the Initiative as filed in this office on June 9, 1978.

Sincerely,  
BRUCE K. CHAPMAN  
Secretary of State  
/s/CARMELA M. BOWNS  
Assistant Secretary of State.

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 62

Pursuant to Article II, Section 1A of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 62 to be examined in the following manner:

(1) It was determined that 169,456 signatures were submitted by the sponsors thereof. A random sample of 6,748 signatures was taken from those submitted;

(2) Each sampled signature was examined to determine the following: (a) if the signer was a registered voter of the state at the address indicated on the petition; (b) if the signature was proper as to form; and (c) if the same signature appeared more than once in the sample. We found 6,270 valid signatures, 464 signatures invalid due to not being registered or being improper in form, and 14 pairs of duplicated signatures in the sample; (3) We calculated an allowance for the chance of error of sampling (33) by multiplying the square root of the number of invalid signatures by 1.5;

(4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (12,482) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

(5) We determined the maximum allowable number of pairs of signatures on the petition (20,891) by subtracting the sum of 110% of the number of signatures required by Article II, Section 1A of the Washington State Constitution (136,083) and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) We determined the expected number of pairs of signatures in the sample (33) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

(7) We determined the acceptable number of pairs of signatures in the sample (23) by subtracting 1.65 times the square root of the expected number of pair of signatures in the sample from the expected number of pairs of signatures in the sample; and

(8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 62 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 18th day of January, A.D., 1979.

BRUCE K. CHAPMAN,  
Secretary of State

by  
/s/CARMELA M. BOWNS  
Assistant Secretary of State.

(Seal of the State of Washington)

### INITIATIVE TO THE LEGISLATURE 62

AN ACT Relating to revenue and taxation; adding a new chapter to Title 43 RCW; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The people of the state of Washington hereby find and declare:

(1) The continuing increases in our state tax burden and the corresponding growth of state government is contrary to the interest of the people of the state of Washington.

(2) It is necessary to limit the rate of growth of state government while assuring adequate funding of essential services, including basic education as defined by the legislature.

(3) It is therefore the intent of this chapter to:

(a) Establish a limit which will assure that the growth rate of state tax revenue does not exceed the growth rate of state personal income;

(b) Assure that local governments are provided funds adequate to render those services deemed essential by their citizens;

(c) Assure that the state does not impose, on any taxing district, responsibility for new programs or increased levels of service under existing programs unless the costs thereof are paid by the state;

(d) Provide for adjustment of the limit when costs of a program are transferred between the state and another political entity; and

(e) Establish a procedure for exceeding this limit in emergency situations.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless otherwise required.

(1) "State tax revenue" means all state moneys received in the treasury from every source except those revenues excluded for the term "general state revenues" by Article VIII, section (1)(c) of the state Constitution other than the state property tax levied for the support of the common schools under RCW 84.52.065, as now or hereafter amended.

(2) "State personal income" means the dollar amount published as total personal income of persons of the state for the calendar year by the United States department of commerce or its successor agency.

(3) "State tax revenue limit" or "limit" means the state tax revenue limit created by this chapter.

(4) "Taxing district" means those districts included within the term "taxing district" under RCW 84.04.120, as now or hereafter amended.

(5) "State personal income ratio" for any calendar year means the quotient formed by dividing (a) state personal income for the calendar year under consideration by (b) the state personal income for the immediately preceding calendar year.

**NEW SECTION.** Sec. 3. (1) The state tax revenue limit for any fiscal year shall be the previous fiscal year's state tax revenue limit multiplied by the average state personal income ratio for the three calendar years immediately preceding the beginning of the fiscal year for which the limit is being computed.

(2) For purposes of computing the state tax revenue limit for the fiscal year beginning July 1, 1980, the phrase "the previous fiscal year's state tax revenue limit" means the state tax revenue collected in the fiscal year beginning July 1, 1978, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.

**NEW SECTION.** Sec. 4. Except as provided in section 5 of this act, taxes, fees, and charges on persons, property, and activities shall be imposed, levied, or set by the legislature in such a manner that the estimated state tax revenue for each fiscal year of the next biennium will not exceed the state tax revenue limit for that fiscal year: **PROVIDED**, The legislature may at any time adjust such taxes, fees, and charges for the second fiscal year of the biennium.

**NEW SECTION.** Sec. 5. (1) The state tax revenue limit for any fiscal year may be exceeded in order to meet an emergency as declared by the legislature by two-thirds vote of each house. The legislature, by two-thirds vote of each house, shall set forth the circumstances constituting the emergency and the amount of state tax revenue in excess of the applicable state tax revenue limit necessary to meet the emergency.

(2) Any amount of state tax revenue authorized by subsection (1) of this section in excess of the state tax revenue limit shall be authorized only for the fiscal year in which the vote is taken and/or the next succeeding fiscal year, as directed by the legislature.

(3) Except where the emergency results from a court order, the amount of state tax revenue authorized under subsection (1) of this section in excess of the limit shall not be used in the revenue base used to compute the state tax revenue limit for subsequent years.

**NEW SECTION.** Sec. 6. (1) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state.

(2) That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding the effective date of this act: **PROVIDED**, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been increased under section 5(3) or 6(3) of this act and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.

(3) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

**NEW SECTION.** Sec. 7. The legislature shall, prior to any other appropriation, provide for the payment of the principal and interest of the indebtedness of the

state. State tax revenue collected in any fiscal year in excess of the state tax revenue limit for that fiscal year shall be included as part of the state tax revenue for the succeeding fiscal year.

**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 shall take effect on January 1, 1980: **PROVIDED,** That the first fiscal year for which the state tax revenue limit shall be in effect is the fiscal year beginning on July 1, 1980.

**NEW SECTION.** Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

## INTRODUCTION AND FIRST READING

### INITIATIVE TO THE LEGISLATURE NO. 62:

AN ACT Relating to revenue and taxation; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

### SENATE BILL NO. 2340, by Senators Clarke, Walgren and Conner:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 17, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.030; adding new sections to chapter 41.26 RCW; making an appropriation; declaring an emergency; and prescribing an effective.

Referred to Committee on Ways and Means.

### SENATE BILL NO. 2341, by Senators Henry, Wanamaker and Peterson:

AN ACT Relating to motor vehicles; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1977 ex. sess. and RCW 46.44.030; and amending section 2, chapter 137, Laws of 1965 as last amended by section 16, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.0941.

Referred to Committee on Transportation.

SENATE BILL NO. 2342, by Senators Marsh, Jones, Van Hollebeke, Talmadge and Bottiger:

AN ACT Relating to the judicial council; and amending section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.010.

Referred to Judiciary Committee.

### SENATE BILL NO. 2343, by Senators Henry, Wanamaker and Peterson:

AN ACT Relating to motor vehicles; amending section 46.04.530, chapter 12, Laws of 1961 and RCW 46.04.530; amending section 46.44.037, chapter 12, Laws of 1961 as last amended by section 9, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.037; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

### SENATE BILL NO. 2344, by Senator Moore:

AN ACT Relating to personal care attendant services; and adding a new chapter to Title 74 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2345, by Senators Odegaard, Vognild, Day, Matson, Scott, Lee, Moore, Woody, Hayner and Fleming:

AN ACT Relating to educational clinics; amending section 1, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.010; amending section 2, chapter 341,

Laws of 1977 ex. sess. and RCW 28A.97.020; amending section 3, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.030; amending section 4, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.040; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2346, by Senators Marsh, Goltz, Henry, Odegaard and Talley:

AN ACT Relating to higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2347, by Senators North, Bluechel and Lee:

AN ACT Relating to state government; and creating a new chapter in Title 44 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2348, by Senator Day:

AN ACT Relating to naturopathy; and adding a new section to chapter 36, Laws of 1919 and to chapter 18.36 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2349, by Senators Bottiger, Lewis and Woody (by Washington Utilities and Transportation Commission request):

AN ACT Relating to regulatory fees; amending section 80.24.050, chapter 14, Laws of 1961 as amended by section 37, chapter 199, Laws of 1969 ex. sess. and RCW 80.24.050; amending section 81.24.080, chapter 14, Laws of 1961 and RCW 81.24.080; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2350, by Senators Donohue, Moore, Bottiger, Day, Rasmussen, Odegaard, Wojahn, Goltz, Conner, Gallagher, Bluechel, Lee, Benitz, Quigg and Lewis (by Executive request):

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed water supply facilities throughout the state; providing ways and means to pay the bonds; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2351, by Senators Benitz, Hansen and Morrison:

AN ACT Relating to water rights; amending section 14, chapter 117, Laws of 1917 and RCW 90.03.110; amending section 16, chapter 117, Laws of 1917 as last amended by section 2, chapter 357, Laws of 1977 ex. sess. and RCW 90.03.130; amending section 17, chapter 117, Laws of 1917 as amended by section 2, chapter 122, Laws of 1929 and RCW 90.03.140; amending section 21, chapter 117, Laws of 1917 as last amended by section 3, chapter 122, Laws of 1929 and RCW 90.03.180; adding a new section to chapter 90.03 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 2352, by Senators Benitz, Gaspard and Morrison:

AN ACT Relating to water wells; and amending section 12, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.120.

Referred to Committee on Agriculture.

SENATE BILL NO. 2353, by Senators Benitz, Morrison and Guess:

AN ACT Relating to state highways; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2354, by Senators Fleming, Guess and Ridder (by Department of Transportation request):

AN ACT Relating to highway construction contracts; and amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 1, chapter 65, Laws of 1977 and RCW 47.28.050.

Referred to Committee on Transportation.

SENATE BILL NO. 2355, by Senator Day:

AN ACT Relating to osteopathy; amending section 4, chapter 4, Laws of 1919 as amended by section 1, chapter 110, Laws of 1959 and RCW 18.57.020; amending section 6, chapter 4, Laws of 1919 as last amended by section 58, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.050; amending section 5, chapter 4, Laws of 1919 and RCW 18.57.080; amending section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085; amending section 17, chapter 4, Laws of 1919 as last amended by section 59, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.57.130; amending section 11, chapter 4, Laws of 1919 as amended by section 2, chapter 142, Laws of 1963 and RCW 18.57.170; amending section 7, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.010; adding new sections to chapter 18.57 RCW; repealing section 10, chapter 4, Laws of 1919 and RCW 18.57.180; repealing section 12, chapter 4, Laws of 1919 and RCW 18.57.240; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2356, by Senator Van Hollebeke:

AN ACT Relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1971 ex. sess. and RCW 46.37.420; amending section 2, chapter 7, Laws of 1969 ex. sess. as amended by section 1, chapter 255, Laws of 1975 1st ex. sess. and RCW 47.36.250; adding a new section chapter 12, Laws of 1961 and to chapter 46.37 RCW; and adding a new section to chapter 13, Laws of 1961 and to chapter 47.36 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2357, by Senators Donohue, McDermott, Day, Fleming, von Reichbauer, North, Jones, Lee, Bluechel, Conner, Rasmussen, Hansen, Gaspard, Vognild, Wojahn, Gallagher, Lewis and Quigg (by Executive request):

AN ACT Relating to state government; providing for the acquisition and development of outdoor recreational areas and facilities; providing for the financing thereof by the issuance of bonds; and creating new sections.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2358, by Senators Woody, Jones, Wojahn, Clarke, Talmadge and Hayner:

AN ACT Relating to judicial primaries and elections; amending section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150; amending section 14, chapter 299, Laws of 1961 as amended by section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050; amending section 35.20.150, chapter 7, Laws of 1965 as amended by section 7, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 35.20.150; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.21 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2359, by Senator Day:

AN ACT Relating to naturopathy; and adding new sections to chapter 36, Laws of 1919 and to chapter 18.36 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2360, by Senators Fleming, Jones, Donohue, Day, Walgren, McDermott, Odegaard and Morrison (by Executive request):

AN ACT Relating to certain appropriations; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2361, by Senators Donohue, Shinpoch, Conner, Rasmussen, Peterson and Jones (by Executive request):

AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2362, by Senators Woody, Ridder, Fleming, Gould and North:

AN ACT Relating to the termination notice required to tenants in the rental of residential property; and amending section 20, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.200.

Referred to Judiciary Committee.

SENATE BILL NO. 2363, by Senator Rasmussen (by Adjutant General request):

AN ACT Relating to the organized militia; amending section 1, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.095; amending section 3, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.115; amending section 20, chapter 130, Laws of 1943 and RCW 38.12.070; amending section 5, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.135; amending section 19, chapter 130, Laws of 1943 as amended by section 41, chapter 292, Laws of 1971 ex. sess. and RCW 38.12.060; adding new sections to chapter 38.12 RCW; repealing section 2, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.105; and repealing section 4, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.125.

Referred to Committee on State Government.

SENATE BILL NO. 2364, by Senators Peterson, Talley and Quigg:

AN ACT Relating to shoreline management; and adding a new section to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2365, by Senator Bausch (by Department of Natural Resources request):

AN ACT Relating to interagency committee for outdoor recreation; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; and amending section 13, chapter 5, Laws of 1965 as amended by section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2366, by Senators Van Hollebeke, Bluechel, Peterson and Jones:

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 124, Laws of 1977 ex. sess. (uncodified).

Referred to Committee on Natural Resources.

SENATE BILL NO. 2367, by Senators Peterson, Talley and Quigg:

AN ACT Relating to aquaculture; and amending section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 228, Laws of 1967 and RCW 79.01.568.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2368, by Senators Odegaard, Jones and Wojahn:

AN ACT Relating to business and occupation taxes; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2369, by Senator Bottiger:

AN ACT Relating to the Washington public employees' retirement system; and amending section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.150.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2370, by Senators Morrison, Henry and Donohue:

AN ACT Relating to public employees' collective bargaining; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450; amending section 5, chapter 131, Laws of 1973 and RCW 41.56.460; amending section 7, chapter 131, Laws of 1973 as amended by section 30, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.480; adding a new section to chapter 41.56 RCW; creating new sections; repealing section 3, chapter 131, Laws of 1973, section 28, chapter 296, Laws of 1975 1st ex. sess., section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2371, by Senator Bottiger:

AN ACT Relating to horizontal property; and amending section 13, chapter 156, Laws of 1963 and RCW 64.32.130.

Referred to Committee on Commerce.

SENATE BILL NO. 2372, by Senators Wilson and Lewis:

AN ACT Relating to vacancies in elective offices; amending section 6, page 30, Laws of 1866 as amended by section 3066, Code of 1881 and RCW 42.12.030; and adding a new section to chapter 42.12 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2373, by Senator Woody:

AN ACT Relating to public disclosure; and reenacting and amending section 24, chapter 1, Laws of 1973 as last amended by section 1, chapter 104, Laws of 1975-'76 2nd ex. sess. and section 7, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2374, by Senators Odegaard, Donohue, Talley, Woody, Shinpoch, Van Hollebeke, McDermott, Wilson, von Reichbauer, Benitz, Sellar, Gallagher, North, Guess, Wanamaker, Lee, Peterson, Day, Moore, Marsh, Talmadge, Vognild, Bausch, Goltz, Williams, Scott, Quigg, Morrison, Lewis and Gaspard (by Executive request):

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. as amended by section 15, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.383; amending section 3, chapter 182, Laws of 1974 ex. sess. as amended by section 2, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.385; amending section 5,

chapter 182, Laws of 1974 ex. sess. and RCW 84.36.389; amending section 84.56-.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; adding a new section to chapter 84.38 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE JOINT RESOLUTION NO. 115, by Senators North and Lee:**

Amending the Constitution to provide for redistricting by commission.

Referred to Committee on Constitution and Elections.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2342, 2345, 2346, 2350, 2357, 2358, 2360, 2361, 2362, 2366, 2374.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Day, the appointment of Frank M. Cuta as a member of the Commission for the Blind was confirmed.

#### APPOINTMENT OF FRANK M. CUTA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Hayner, Keefe, Matson, Rasmussen—4.

#### MOTION

On motion of Senator Day, the appointment of Edward S. Foscue as a member of the Commission for the Blind was confirmed.

#### APPOINTMENT OF EDWARD S. FOSCUE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—42.

Absent or not voting: Senators Bottiger, Ridder, Wojahn—3.

Excused: Senators Hayner, Keefe, Matson, Rasmussen—4.

#### MOTION

On motion of Senator Day, the appointment of Luddy Martinson as a member of the Commission for the Blind was confirmed.

### APPOINTMENT OF LUDDY MARTINSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Bottiger, Hayner, Keefe, Matson, Rasmussen—5.

### MOTION

On motion of Senator Seller, the appointment of Irving S. Smith as a member of the Commission for the Blind was confirmed.

### APPOINTMENT OF IRVING S. SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senator Van Hollebeke—1.

Excused: Senators Bottiger, Hayner, Keefe, Matson, Rasmussen—5.

### MOTION

On motion of Senator Day, the appointment of Ms. Lori Swauger as a member of the Commission for the Blind was confirmed.

### APPOINTMENT OF MS. LORI SWAUGER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Van Hollebeke—1.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

### SIGNED BY THE PRESIDENT

The President signed: SENATE CONCURRENT RESOLUTION NO. 101.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Day, the appointment of Jon G. Bowman as a member of the Washington State Hospital Commission was confirmed.

## APPOINTMENT OF JON G. BOWMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Van Hollebeke—1.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

## MOTION

On motion of Senator Day, the appointment of Ludwig Lobe as a member of the Washington State Hospital Commission was confirmed.

## APPOINTMENT OF LUDWIG LOBE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Van Hollebeke—1.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

## MOTION

On motion of Senator Day, the appointment of Arch H. Logan Jr. M.D. as a member of the Washington State Hospital Commission was confirmed.

## APPOINTMENT OF ARCH H. LOGAN JR. M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

## MOTION

On motion of Senator Day, the appointment of Sister Charlotte Van Dyke as a member of the Washington State Hospital Commission was confirmed.

## APPOINTMENT OF SISTER CHARLOTTE VAN DYKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

#### MOTION

On motion of Senator Day, the appointment of Ken Webster as a member of the Washington State Hospital Commission was confirmed.

#### APPOINTMENT OF KEN WEBSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

#### MOTION

On motion of Senator Day, the appointment of Phil Wittman as a member of the Board of Prison Terms and Paroles was confirmed.

#### APPOINTMENT OF PHIL WITTMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bottiger, Hayner, Keefe, Rasmussen—4.

#### MOTION

At 1:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, January 23, 1979.

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

## SIXTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 23, 1979.

The Senate was called to order at 10:20 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Keefe, Talley and Williams. On motion of Senator Wilson, Senators Keefe, Talley and Williams were excused.

The Color Guard, consisting of Pages Nancy Sanglier and Chris Van Hollebeke, presented the Colors. Reverend Jesse Jackson offered the following prayer:

"OUR FATHER AND OUR GOD, WE THANK THEE FOR THE PRIVILEGE OF LIFE AND HEALTH AND STRENGTH. WE DO NOT WANT TO TAKE FOR GRANTED THE FACT WE HAVE THIS OPPORTUNITY TO SERVE AND TO SHARE, TO BE A GREATER GENERATION BY WORKING HARDER BY HAVING MORE FAITH AND TRUST IN THEE. WE THANK YOU FOR THE VERY FOUNDATION OF OUR NATION. WE GIVE GLORY AND HONOR BECAUSE OF OUR RELIGIOUS HERITAGE. LET US BE TRUE TO THAT HERITAGE. A COMMITMENT TO SOMEONE OTHER THAN OURSELVES. A COMMITMENT TO FEED THE HUNGRY, TO CLOTHE THE NAKED, TO LIBERATE THE TESTED. AS AS WE WRESTLE WITH THE GREAT DECISIONS OF OUR DAY, HELP US TO STRIVE EARNESTLY AND HONESTLY, FORGIVE US FOR OUR SINS, PROTECT US, PROTECT OUR FAMILIES, GIVE US THE STRENGTH OF OUR CONVICTIONS AND THE JOY OF OUR SALVATION. BLESS THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE SENATORS, THE HOUSE MEMBERS, THE OFFICIALS WHOM MUST ASSUME THE RESPONSIBILITIES FOR THE AFFAIRS OF THE PEOPLE OF THIS STATE. BLESS THEM IN A MIGHTY WAY. GIVE THEM THAT SOMETHING WITHIN THAT WILL KEEP THEM ABOVE DESPAIR AND HOPELESSNESS. KINDLE THE FLAME THAT IS WITHIN EACH OF US SO WE CAN ALLOW THE LIGHT THAT WE HAVE TO SHINE, THAT THOSE IN THE DARK MIGHT HAVE LIGHT AND THAT OUR LIGHT WOULD SHINE SO BRIGHTLY, THAT IT WILL BURN IN SUCH A WAY, THAT WE WILL GIVE OFF HEAT, AND EVEN THOSE WHO ARE IN PROXIMITY TO US WILL GET THE FEELING THAT IT CAN HAPPEN, THAT IT CAN BE DONE. AND IT IS WITHIN THIS SPIRIT, EVEN THOUGH WE WALK IN THE VALLEYS AND SHADOWS OF DEATH WE FEAR NO EVIL FOR THOU ART WITH US. THIS IS OUR PRAYER, AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal was dispensed with and it was approved.

## APPOINTMENT OF SPECIAL COMMITTEE

Prior to formal convening of the Senate, the President announced to members and guests the presence of Reverend Jesse Jackson. The President appointed Senators Fleming, Newschwander, Sellar, von Reichbauer and Walgren as a committee of honor to escort the Reverend Jesse Jackson to a seat on the rostrum.

Reverend Jackson addressed the members of the Senate as well as guests prior to convening of the Senate.

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I don't know that there are any questions, apparently not. Reverend Jackson carried on, of course, in his usual traditional manner. I had the opportunity of hearing him at the National Council of State Legislatures in Denver. He is an inspirational speaker, he carries a message of great import to, not only this legislature, but the legislatures, I think of every state in this country, and we are very, very pleased and proud that you were able to join with us this morning. Thank you very much."

## REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate, I would like to take this opportunity to join Senator Walgren in thanking the Senate in allowing the Reverend Jesse Jackson to appear before us and deliver such an outstanding message. I would like to also take this opportunity to once again greet and say 'hello' to the Reverend Jesse Jackson. I have been in his presence several times, but I think the most memorable one was when they had the first National Black Political Convention back in Gary, Indiana. We shared on the coordinating committee together. I would just like to say that it is indeed a pleasure to see you again, hope that this won't be the last time. Come back and see us. Thank you."

## REMARKS BY SENATOR GOLTZ

Senator Goltz: "I think that we should thank Reverend Jesse Jackson for having some influence and affect upon Senator Fleming, because it seems to be doing some good."

## REMARKS BY SENATOR SCOTT

Senator Scott: "To say, Mr. President, there isn't some room for improvement."

## REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Thank you once again, Reverend."

## REMARKS BY REVEREND JESSE JACKSON

Reverend Jesse Jackson: "I do want to thank all of you again for being so kind and so generous, and I want to once again express my thanks to the state superintendent of education, who has maintained the sensitivity in my judgment, that is adequate to make this state indeed a leader. There is no natural reason why this can't be the number one state in education in this nation. So many of our educational leaders for some reason or the other have given up on the unexplored and exploited images of those who are economically left out. The fact that this state superintendent is willing to go beneath the soil to get some unused sources of energy in this state, in a real sense, says much for his insight and sensitivity and I am

grateful for having had the opportunity to be invited here, by him, and for your kind reception. Thank you very much."

The committee of honor escorted Reverend Jesse Jackson from the Senate Chamber.

## REPORT OF STANDING COMMITTEE

January 22, 1979.

**SENATE BILL NO. 2148**, adopting a supplemental budget (reported by Committee on Ways and Means):

**MAJORITY** recommendation that Substitute Senate Bill 2148 be substituted therefor, and that Substitute Senate Bill 2148 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Fleming, Gaspard, Goltz, Marsh, Odegaard, Rasmussen, Ridder, Scott, Shipoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2375**, by Senators Sellar, Talley, Lewis and Conner:

**AN ACT** Relating to civil service for sheriffs' offices; amending section 6, chapter 1, Laws of 1959 and RCW 41.14.060; amending section 7, chapter 1, Laws of 1959 as amended by section 1, chapter 186, Laws of 1975 1st ex. sess. and RCW 41.14.070; amending section 13, chapter 1, Laws of 1959 and RCW 41.14.130; and adding a new section to chapter 41.14 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 2376**, by Senators Lewis, Gaspard and Guess:

**AN ACT** Relating to local improvement guaranty funds; and adding a new section to chapter 35.54 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 2377**, by Senators Conner and Gaspard:

**AN ACT** Relating to unauthorized motor vehicles on private property; adding new sections to chapter 46.52 RCW; repealing section 1, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.118; repealing section 1, chapter 208, Laws of 1969 ex. sess., section 2, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.119; repealing section 3, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1192; repealing section 4, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1194; repealing section 5, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1196; repealing section 6, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1198; providing penalties; and declaring an emergency.

Referred to Committee on Transportation.

**SENATE BILL NO. 2378**, by Senators Wojahn, Jones, Ridder and Talmadge:

**AN ACT** Relating to payment of retirement benefits pursuant to court order; amending section 18, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.180; amending section 1, chapter 33, Laws of 1965 and RCW 41.20.180; amending section 24, chapter 261, Laws of 1945 as amended by section 6, chapter 159, Laws of 1957 and RCW 41.24.240; amending section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 12, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.180; amending section 59, chapter 80, Laws of 1947 as last amended by section 1, chapter 63, Laws of 1971 and RCW 41.32.590; amending section 39, chapter 274, Laws of 1947 as last amended by section 4, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.380; amending section 24, chapter 71, Laws of 1947 and RCW 41.44.240; amending section 43.43.310, chapter 8, Laws of 1965 as amended by

section 1, chapter 256, Laws of 1977 ex. sess. and RCW 43.43.310; adding a new section to chapter 41.04 RCW; and adding a new section to chapter 41.28 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2379, by Senator Lysen:

AN ACT Relating to revenue and taxation; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2380, by Senator Day:

AN ACT Relating to drugless healing; adding new sections to chapter 36, Laws of 1919 and to chapter 18.36 RCW; and repealing section 9, chapter 36, Laws of 1919 and RCW 18.36.150.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2381, by Senators Talmadge, Bottiger and Gallagher:

AN ACT Relating to superior court clerks fees; and amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2382, by Senators Talley, Gaspard and Vognild (by Washington Association of Fire Chiefs request):

AN ACT Relating to bulk carriers of hazardous materials; adding a new chapter to Title 46 RCW; adding a new section to chapter 46.48 RCW; adding new sections to chapter 46.61 RCW; defining crimes; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2383, by Senators Marsh, Jones and Talmadge:

AN ACT Relating to protection of personal information; adding a new chapter to Title 42 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2384, by Senators Fleming, Bottiger and Ridder:

AN ACT Relating to the rental of residential property; and amending section 24, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.240.

Referred to Judiciary Committee.

SENATE BILL NO. 2385, by Senators Day and Moore:

AN ACT Relating to funeral directors; and adding a new section to chapter 18.39 RCW.

Referred to Committee on Social and Health services.

SENATE BILL NO. 2386, by Senators Quigg, Van Hollebeke and Gallagher:

AN ACT Relating to superior court judges; and amending section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.062.

Referred to Judiciary Committee.

SENATE BILL NO. 2387, by Senators Morrison and Wojahn:

AN ACT Relating to funeral directors and embalmers; and amending section 6, chapter 108, Laws of 1937 as last amended by section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2388, by Senators Newschwander, Bausch and Odegaard:

AN ACT Relating to revenue; and amending section 75.32.030, chapter 12, Laws of 1955 as last amended by section 20, chapter 327, Laws of 1977 ex. sess. and RCW 75.32.030.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2389, by Senator Quigg:**

**AN ACT** Relating to razor clams; adding a new chapter to Title 75 RCW; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2390, by Senators Conner, Clarke, Wojahn, Woody, and Hayner (by Washington State Patrol request):**

**AN ACT** Relating to crime; amending section 1, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.850; amending section 3, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.854; amending section 4, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.856; amending section 5, chapter 202, Laws of 1973 1st ex. sess. as amended by section 115, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.43.858; amending section 6, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.860; amending section 7, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.862; amending section 8, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.864; making an appropriation; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE JOINT MEMORIAL NO. 103, by Senators Bausch, Odegaard, Bottiger and Conner:**

Requesting the continued use of the Olympia postmark.

Referred to Committee on Local Government.

**SENATE JOINT MEMORIAL NO. 104, by Senators Jones, Walgren, Gould and Fleming:**

Memorializing the President and Congress to urge the extension of the German statute of limitations on Nazi war criminals.

Referred to Judiciary Committee.

## MOTION

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2390.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2375, 2378, Senate Joint Memorial No. 103 and Senate Joint Memorial No. 104.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Odegaard, the appointment of Curtis J. Dalrymple as a member of the Board of Trustees, Western Washington University was confirmed.

## APPOINTMENT OF CURTIS J. DALRYMPLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Fleming, Goltz—2.

Excused: Senators Keefe, Talley, Williams—3.

## MOTION

On motion of Senator Goltz, the appointment of Dr. Walter S. Johnson as a member of the State Board for Community College Education was confirmed.

## APPOINTMENT OF DR. WALTER S. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Talley, Williams—3.

## MOTION

On motion of Senator Hansen, the appointment of Bob Mickelson as Director of the Department of Agriculture was confirmed.

## APPOINTMENT OF BOB MICKELSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Williams—2.

## MOTION

On motion of Senator Rasmussen, the appointment of Ms. Lea Jane Armstrong as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MS. LEA JANE ARMSTRONG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## POINT OF INQUIRY

Senator Van Hollebeke: "Senator, I noticed a quite a number of appointments to the Commission on Asian-American Affairs as well as a large number of

appointments up for confirmation to the Commission on Mexican-American Affairs. Could you please tell me what the total membership of those two commissions are? Is there a statutory limit to them; how are they set up; please?"

Senator Rasmussen: "The Asian-American Affairs is composed of a large number of individuals, and they do an excellent job working with the community. The Mexican Affairs also does an excellent job and they have a field man in their employ who works out in the field in Eastern Washington."

Senator Van Hollebeke: "Senator, I appreciate that help, but that is not what I was looking for. The number of members is what I was looking for, and is there a statutory limit to the number? Perhaps you do not have that available to you right now, it might be some other member here does have it."

Senator Rasmussen: "If it is very important to Senator Hollebeke I will get the exact detail of that and provide him with that, yes."

#### MOTION

At 10:49 a.m., on motion of Senator Walgren, the Senate recessed until 11:35 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:35 a.m.

#### MOTION

Senator Walgren moved that all confirmations listed on today's gubernatorial appointment calendar be considered as one vote but recorded separately.

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Yes, Mr. President. I think that would be beneficial and expeditious. I would want to point out, however, that I think the record should show that it is with the unanimous consent of those present because I think that any one Senator, if he so desired, would have the right to vote separately on any one of these appointments. But, also I think that he would have the right, in effect, to consent that his vote would relate to the entire group. So with that understanding, Mr. President, I join with Senator Walgren in connection with the motion."

The motion by Senator Walgren carried.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Rasmussen the appointment of Constantine (Tony) Baruso as a member of the Commission on Asian-American Affairs was confirmed.

#### APPOINTMENT OF CONSTANTINE (TONY) BARUSO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen the appointment of Tony P. Borrromeo, Jr. as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF TONY P. BORRROMEO, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Ray E. Corpuz, Jr. as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF RAY E. CORPUZ, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Ms. Paula Frial as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MS. PAULA FRIAL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Ms. Jeni Kay Fung as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MS. JENI KAY FUNG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Paul Shigemi Isaki as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF PAUL SHIGEMI ISAKI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Mr. Phoune Keomahavong as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MR. PHOUNE KEOMAHAVONG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Mr. Yoshio Kosai as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MR. YOSHIO KOSAI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Rasmussen, the appointment of Robert B. Krisologo as a member of the Commission on Asian-American Affairs was confirmed.

#### APPOINTMENT OF ROBERT B. KRISOLOGO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Rasmussen, the appointment of Mr. Taki Kubota as a member of the Commission on Asian-American affairs was confirmed.

#### APPOINTMENT OF MR. TAKI KUBOTA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Rasmussen, the appointment of Raymond T. Lew as a member of the Commission on Asian-American Affairs was confirmed.

#### APPOINTMENT OF RAYMOND T. LEW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of James M. Mar as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF JAMES M. MAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Ms. Jo-Elaine Akemi Matsumoto as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MS. JO-ELAINE AKEMI MATSUMOTO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Paull H. Shin as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF PAULL H. SHIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Reverend John L. F. Slee as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF REVEREND JOHN L. F. SLEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Joe Tokunaga as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF JOE TOKUNAGA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Cal Underhill as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF CAL UNDERHILL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keef—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Professor H. T. Wong as a member of the commission on Asian-American Affairs was confirmed.

### APPOINTMENT OF PROFESSOR H. T. WONG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Day, the appointment of Carl Barr as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

### APPOINTMENT OF CARL BARR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Day, the appointment of Ms. Valeta R. Biggs, R.N. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

### APPOINTMENT OF MS. VALETA R. BIGGS, R.N.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Day, the appointment of Ms. Anna Mae Ericksen, R.N. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

### APPOINTMENT OF MS. ANNA MAE ERICKSEN, R.N.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Day, the appointment of Lowell D. Haugen as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

#### APPOINTMENT OF LOWELL D. HAUGEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Day, the appointment of Robert M. Johnson as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

#### APPOINTMENT OF ROBERT M. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Day, the appointment is Ms. Sandra Levy, R.N. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

#### APPOINTMENT OF MS. SANDRA LEVY, R.N.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Day, the appointment of Dr. Marvin A. Wayne as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

#### APPOINTMENT OF DR. MARVIN A. WAYNE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody.

Excused: Senator Keefe.

#### MOTION

On motion of Senator Rasmussen, the appointment of Jeronimo Arroyo as a member of the Commission on Mexican-American Affairs was confirmed.

#### APPOINTMENT OF JERONIMO ARROYO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

On motion of Senator Rasmussen, the appointment of Thomas Cerna, Jr. as a member of the Commission on Mexican-American Affairs was confirmed.

#### APPOINTMENT OF THOMAS CERNA, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Miguel Esquevel as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF MIGUEL ESQUEVEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Armando G. Garcia as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF ARMANDO G. GARCIA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of David C. Garcia as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF DAVID C. GARCIA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Jaime R. Garza as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF JAIME R. GARZA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Pete Garza as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF PETE GARZA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Arthur E. Hernandez as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF ARTHUR E. HERNANDEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Robert Lopez as a member of the Commission on Mexican-American Affairs was confirmed.

## APPOINTMENT OF ROBERT LOPEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Rasmussen, the appointment of Mary Marti as a member of the Commission on Mexican-American Affairs was confirmed.

### APPOINTMENT OF MARY MARTI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Rasmussen, the appointment of Margaret Zamudio as a member of the Commission on Mexican-American Affairs was confirmed.

### APPOINTMENT OF MARGARET ZAMUDIO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—2.

### MOTION

On motion of Senator Rasmussen, the appointment of Mr. Tuyen Ngoc Pham as a member of the Commission on Asian-American Affairs was confirmed.

### APPOINTMENT OF MR. TUYEN NGOC PHAM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Wood—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Mr. Atonio P. L. Mailo as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF MR. ATONIO P. L. MAILO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Day, the appointment of William M. Clark as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

## APPOINTMENT OF WILLIAM M. CLARK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Day, the appointment of Dr. M. Scott Linscott, Jr. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

## APPOINTMENT OF DR. M. SCOTT LINSCOTT, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Rasmussen, the appointment of Teruko Ogata Daniel as a member of the Commission on Asian-American Affairs was confirmed.

## APPOINTMENT OF TERUKO OGATA DANIEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## SECOND READING

SENATE BILL NO. 2131, by Senators McDermott, Gaspard and Morrison (by Superintendent of Public Instruction request):

Appropriating moneys to surplus and donated food commodities revolving fund for 79-81 biennium.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 2131 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2131 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2034, by Senators Rasmussen, Odegaard, Clarke and Conner (by Legislative Budget Committee request):

Repealing sections authorizing forest tree nursery at Washington State University.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2034 was advanced to third reading, the second 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. 2034, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison,

Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2034, having received the constitutional majority, 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. 2135, by Senator Conner (by Joint Legislative Transportation Committee request):

Providing for judges to issue a temporary driver's license to a petitioner for an occupational driver's license.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2135 was advanced to third reading, the second 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. 2135, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO 2135, having received the constitutional majority, 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. 2094, by Senators Conner and Henry (by Joint Legislative Transportation Committee request):

Lengthening the effective period of an instruction permit for operation of a motor vehicle.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2094 was advanced to third reading, the second 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. 2094, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2094, having received the constitutional majority, 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. 2077, by Senators Gaspard, Benitz, North, Woody, Williams and Fleming:

Permitting reduced rates for utility services to low income senior citizens.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2077 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2077, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Guess, Hayner, Jones, Matson, Newschwander, Scott—6.

Excused: Senator Keefe—1.

SENATE BILL NO. 2077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2124, by Senators Conner and Gallagher:  
Consolidating food fish and shellfish sellers' and processors' licenses.

### REPORT OF STANDING COMMITTEE

January 18, 1979.

SENATE BILL NO. 2124, consolidating food fish and shellfish sellers' and processors' licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23 after "selling" strike "or buying" and insert "~~(or buying)~~ , buying or brokering"

On page 2, line 13 after "personal use" insert "with commercially caught fish or shellfish"

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections,

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

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2124 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2124, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

January 23, 1979.

GARY L. JACKSON, to the position of member of the Horse Racing Commission, appointed by the Governor on January 16, 1979 for the term ending January 14, 1985, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 23, 1979.

JAMES BENDER, to the position of member of the Horse Racing Commission, appointed by the Governor on February 3, 1977 for the term ending January 15, 1981, succeeding Herman Sakowsky (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

January 23, 1979.

ELGIN E. OLROGG, to the position of member of the Gambling Commission, appointed by the Governor on July 27, 1978 for the term ending June 30, 1984, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee Rules.

January 23, 1979.

HAROLD WALSH, to the position of member of the Gambling Commission, appointed by the Governor on December 23, 1977 for the term ending July 1, 1983, succeeding Michael Donohue (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules.

**MOTION**

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

**MOTIONS**

On motion of Senator Wilson, the Committee on Local Government was relieved from further consideration of Senate Bill No. 2216 and Senate Bill No. 2225.

On motion of Senator Wilson, Senate Bill No. 2216 and Senate Bill No. 2225 were rereferred to the Committee on Ways and Means.

**MOTION**

At 12:12 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, January 24, 1979.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.

## SEVENTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 24, 1979.

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 Keefe, Scott and Sellar. On motion of Senator Wilson, Senator Keefe was excused. On motion of Senator Jones, Senators Scott and Sellar were excused.

The Color Guard, consisting of Pages Deena Hansen and Ned Moats, presented the Colors. Dr. Henry S. Rahn, Pastor Emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER; AS WE HAVE BEEN CHOSEN TO LIVE AT THIS PARTICULAR TIME, AND THESE LEADERS IN STATE GOVERNMENT HAVE BEEN CHOSEN TO SERVE IN THIS PARTICULAR PLACE; QUICKEN TO LIFE EVERY ENERGY OF OUR BEING, GUIDE THE IMAGINATION OF OUR MINDS, ENLARGE OUR PURPOSE TO INCLUDE YOUR PURPOSE, AS WE WORK WITH THE MATERIALS OF THIS DAY.

"MAY THE TOUCH OF THE ETERNAL MARK OUR ACHIEVEMENTS AS WE HUMBLY AND GLADLY SERVE YOU AND OUR FELLOW MAN. IN YOUR NAME WE PRAY. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 24, 1979.

SENATE BILL NO. 2005, modifying the limitation of the number of class H liquor licenses (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 23, 1979.

SENATE BILL NO. 2026, including school district needs in feasibility studies of public transportation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

January 22, 1979.

SENATE BILL NO. 2118, modifying the definition of public agency in the Interlocal Cooperation Act (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2118 be substituted therefor, and that Substitute Senate Bill No. 2118 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Talley.

Passed to Committee on Rules for second reading.

January 23, 1979.

SENATE BILL NO. 2132, extending date that funds for school building purposes may be used on school facilities cost stabilization program (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2132 be substituted therefor, and that Substitute Senate Bill No. 2132 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 23, 1979.

SENATE BILL NO. 2133, allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds (reported by Committee on Education):

Recommendation: Do pass.

Signed by: McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 22, 1979.

SENATE BILL NO. 2300, making certain changes in gambling act as respect bowling centers (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 2300 be substituted therefor, and that Substitute Senate Bill No. 2300 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

January 23, 1979.

RAY AARDAL, to the position of member of the State Transportation Commission, appointed by the Governor on July 1, 1977 for the term ending July 1, 1983, succeeding himself (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

January 23, 1979.

VAUGHN HUBBARD, to the position of member of the State Transportation Commission, appointed by the Governor on October 5, 1977 for the term ending June 30, 1982 (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

January 23, 1979.

ROBERT MIKALSON, to the position of member of the State Transportation Commission, appointed by the Governor on October 5, 1977 for the term ending June 30, 1983 (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.  
Passed to Committee on Rules.

January 23, 1979.

RICHARD ODABASHIAN, to the position of member of the State Transportation Commission, appointed by the Governor on July 1, 1978 for the term ending June 30, 1984, succeeding himself (reported by Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

January 24, 1979.

DEAN COLE, to the position of Director of the Planning and Community Affairs Agency, appointed by the Governor on July 1, 1978 for the term ending at the pleasure of the Governor, succeeding Dr. Eugene Wiegman (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Talley.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2391, by Senators Hansen and Wanamaker:

AN ACT Relating to the distribution of fuel tax revenues to counties; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 42, chapter 151, Laws of 1977 ex. sess. and RCW 46.68.120; amending section 46.68-.080, chapter 12, Laws of 1961 and RCW 46.68.080; amending section 1, chapter 21, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 51, Laws of 1977 and RCW 47.56.725; adding new sections to chapter 46.68 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2392, by Senators Henry and Hansen:

AN ACT Relating to eminent domain; and amending section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180.

Referred to Committee on State Government.

SENATE BILL NO. 2393, by Senators Odegaard, Gaspard, Hansen, Peterson and Wanamaker:

AN ACT Relating to noxious weeds; and amending section 17, chapter 113, Laws of 1969 ex. sess. as last amended by section 8, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.170; amending section 23, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.230; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture.

SENATE BILL NO. 2394, by Senators Moore and Sellar:

AN ACT Relating to special purpose districts; amending section 9, chapter 210, Laws of 1941 as last amended by section 7, chapter 148, Laws of 1969 ex. sess. and RCW 56.12.010; and amending section 7, chapter 114, Laws of 1929 as last amended by section 1, chapter 116, Laws of 1975 1st ex. sess. and RCW 57.12.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2395, by Senators Moore, Lee and Sellar:

AN ACT Relating to special purpose districts; amending section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 300, Laws of 1977 ex. sess. and RCW 56.08.020; and amending section 6, chapter 18, Laws of 1959 as last amended by section 3, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2396, by Senators Wilson, Matson, Donohue and Hayner:

AN ACT Relating to excise taxes on real estate transfers; and amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2397, by Senator Moore:

AN ACT Relating to special purpose districts; amending section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 64, Laws of 1975 1st ex. sess. and RCW 56.08.070; and amending section 21, chapter 114, Laws of 1929 as last amended by section 2, chapter 64, Laws of 1975 1st ex. sess. and RCW 57.08-.050.

Referred to Committee on Local Government.

SENATE BILL NO. 2398, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

AN ACT Relating to state government; amending section 43.08.064, chapter 8, Laws of 1965 as last amended by section 2, chapter 77, Laws of 1975-'76 2nd ex. sess. and RCW 43.08.064; and amending section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 74, Laws of 1972 ex. sess. and RCW 43.08-.066.

Referred to Committee on State Government.

SENATE BILL NO. 2399, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

AN ACT Relating to county prisoners; and amending section 5, chapter 171, Laws of 1961 and RCW 72.64.110.

Referred to Committee on State Government.

SENATE BILL NO. 2400, by Senators Rasmussen, Walgren and Morrison (by Adjutant General request):

AN ACT Relating to the organized militia; amending section 40, chapter 130, Laws of 1943 and RCW 38.40.030; amending section 46, chapter 130, Laws of 1943 and RCW 38.40.040; amending section 48, chapter 130, Laws of 1943 and RCW 38.40.050; amending section 1, chapter 113, Laws of 1939 as amended by section 1, chapter 236, Laws of 1957 and RCW 38.40.060; amending section 12, chapter 130, Laws of 1943 as amended by section 133, chapter 220, Laws of 1963 and RCW 38.04.010; amending section 3, chapter 130, Laws of 1943 as amended by section 1, chapter 210, Laws of 1961 and RCW 38.08.020; amending section 2, chapter 250, Laws of 1957 and RCW 38.12.010; amending section 2, chapter 210, Laws of 1961 and RCW 38.12.015; amending section 3, chapter 250, Laws of 1957 as amended by section 32, chapter 75, Laws of 1977 and RCW 38.12.020; amending section 17, chapter 130, Laws of 1943 and RCW 38.12.040; amending section 33, chapter 130, Laws of 1943 and RCW 38.12.180; amending section 43, chapter 130, Laws of 1943 as last amended by section 81, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.24.050; amending section 127, chapter 220, Laws of 1963 and RCW 38.38.868; amending section 90, chapter 130, Laws of 1943 and RCW 38.40.090; adding new sections to chapter 38.40 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2401, by Senator Rasmussen:

AN ACT Relating to administrative procedures; and amending section 14, chapter 234, Laws of 1959 as amended by section 87, chapter 81, Laws of 1971 and RCW 34.04.140.

Referred to Committee on State Government.

SENATE BILL NO. 2402, by Senators McDermott, Lysen, Woody and Talley:

AN ACT Relating to industrial insurance; providing for annual adjustments for disability and death benefits; and amending section 2, chapter 286, Laws of 1975 1st ex. sess. as amended by section 2, chapter 202, Laws of 1977 ex. sess. and RCW 51.32.075.

Referred to Committee on Labor.

SENATE BILL NO. 2403, by Senators Wilson and Sellar (by State Auditor request):

AN ACT Relating to the auditing of public accounts; and amending section 43.09.280, chapter 8, Laws of 1965 and RCW 43.09.280.

Referred to Committee on Local Government.

SENATE BILL NO. 2404, by Senators Wilson, Sellar and Odegaard (by State Auditor request):

AN ACT Relating to public offices and officers; and amending section 43.09-.260, chapter 8, Laws of 1965 and RCW 43.09.260.

Referred to Committee on Local Government.

SENATE BILL NO. 2405, by Senators Peterson, Talley and Wanamaker:

AN ACT Relating to the department of game; and amending section 77.04-.020, chapter 36, Laws of 1955 and RCW 77.04.020.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2406, by Senators Wojahn, Ridder, Rasmussen, Goltz, Gould, Day, Lee, North and McDermott:

AN ACT Relating to displaced homemakers; adding a new chapter to Title 28C RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2407, by Senators Wilson, North, Bluechel, Talley, Henry, Moore, Vognild, Sellar, Hansen, Rasmussen, Odegaard and Hayner:

AN ACT Relating to local government; and adding a new chapter to Title 39 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2408, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

AN ACT Relating to claims against the state; and amending section 4, chapter 95, Laws of 1895 as last amended by section 1, chapter 144, Laws of 1977 ex. sess. and RCW 4.92.040.

Referred to Committee on State Government.

SENATE BILL NO. 2409, by Senator McDermott:

AN ACT Relating to the competency of witnesses; and amending section 294, page 187, Laws of 1854 as last amended by section 7, chapter 13, Laws of 1965 and RCW 5.60.060.

Referred to Judiciary Committee.

**SENATE BILL NO. 2410**, by Senators Rasmussen, Shinpoch and Matson (by Office of Financial Management request):

**AN ACT** Relating to the chiropractic disciplinary board; and amending section 7, chapter 171, Laws of 1967 as last amended by section 33, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.26.070.

### MOTION

On motion of Senator Day, Senate Bill No. 2410 was referred to the Committee on Social and Health Services.

### INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2411**, by Senators Wilson, Sellar and Fleming:

**AN ACT** Relating to local government; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 2412**, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

**AN ACT** Relating to state travel expenses; amending section 8, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.170; and amending section 10, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.190.

Referred to Committee on State Government.

**SENATE BILL NO. 2413**, by Senators Hayner, Sellar, North, Newschwander, Lee, Gaspard and McDermott:

**AN ACT** Relating to industrial insurance; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 44, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.060; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 47, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.090; and adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW.

Referred to Committee on Labor.

**SENATE BILL NO. 2414**, by Senators Gaspard, Pullen and Bottiger:

**AN ACT** Relating to victims of crimes; amending section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.065; and adding a new section to chapter 7.68 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO. 2415**, by Senators Talmadge, Sellar and Hayner:

**AN ACT** Relating to civil commitment; amending section 6, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.010; amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.030; amending section 9, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 41, chapter 80, Laws of 1977 ex. sess. and RCW 71.05.040; amending section 10, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.050; amending section 11, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.060; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.120; amending section 18, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.130; amending section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.150; amending section 21, chapter 142, Laws of 1973 1st ex. sess. as amended by section 9, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.160; amending section 22, chapter 142, Laws of 1973 1st ex. sess. as amended by section 10, chapter 145, Laws of 1974 ex. sess. and RCW

71.05.170; amending section 23, chapter 142, Laws of 1973 1st ex. sess. as amended by section 11, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. as amended by section 12, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.190; amending section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200; amending section 32, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.270; amending section 36, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.310; amending section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.390; amending section 294, page 187, Laws of 1854 as last amended by section 7, chapter 13, Laws of 1965 and RCW 5.60.060; amending section 60, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.550; amending section 72.23.010, chapter 28, Laws of 1959 as last amended by section 2, chapter 145, Laws of 1974 ex. sess. and RCW 72.23.010; adding new sections to chapter 71.05 RCW; creating a new section; repealing section 19, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.140; repealing section 28, chapter 142, Laws of 1973 1st ex. sess., section 15, chapter 145, Laws of 1974 ex. sess., section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230; repealing section 29, chapter 142, Laws of 1973 1st ex. sess., section 16, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.240; repealing section 30, chapter 142, Laws of 1973 1st ex. sess., section 17, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.250; repealing section 31, chapter 142, Laws of 1973 1st ex. sess., section 18, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.260; repealing section 33, chapter 142, Laws of 1973 1st ex. sess., section 19, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.280; repealing section 34, chapter 142, Laws of 1973 1st ex. sess., section 20, chapter 145, Laws of 1974 ex. sess., section 6, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.290; repealing section 35, chapter 142, Laws of 1973 1st ex. sess., section 21, chapter 145, Laws of 1974 ex. sess., section 7, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.300; repealing section 37, chapter 142, Laws of 1973 1st ex. sess., section 23, chapter 145, Laws of 1974 ex. sess., section 9, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.320; repealing section 38, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.330; and repealing section 39, chapter 142, Laws of 1973 1st ex. sess., section 24, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.340.

Referred to Judiciary Committee.

SENATE BILL NO. 2416, by Senators Gaspard, Hayner and Bottiger:

AN ACT Relating to stolen property; and adding a new chapter to Title 63 RCW.

Referred to Judiciary Committee.

SENATE BILL NO: 2417, by Senators Gaspard, Hayner and Bottiger:

AN ACT Relating to crimes and punishments; amending section 1, chapter 24, Laws of 1905 as last amended by section 7, chapter 200, Laws of 1967 and RCW 9.92.060; amending section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210; and amending section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.030.

Referred to Judiciary Committee.

SENATE BILL NO. 2418, by Senator Henry:

AN ACT Relating to motor vehicle operators' records; and creating new sections.

Referred to Committee on Transportation.

SENATE JOINT RESOLUTION NO. 116, by Senators Hayner, Marsh, North and Lee:

Establishing a judicial qualifications commission to conduct judicial disciplinary proceedings.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2393, 2396, 2402, 2406, 2407, 2413, Senate Joint Resolution No. 116.

#### MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

#### NOON SESSION

The President called the Senate to order at 12:20 p.m.

#### MOTION

At 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m. The President declared the Senate to be at ease.

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

#### MOTION

At 1:15 p.m., on motion of Senator Walgren, the Senate was declared to be at ease subject to the call of the President.

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

#### SECOND READING

SENATE BILL NO. 2148, by Senators Donohue, McDermott and Scott (by Executive request):

Adopting a supplemental budget.

#### MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2148 was substituted for Senate Bill No. 2148 and the substitute bill was placed on second reading.

On motion of Senator Walgren, the Senate resolved itself into a Committee of the Whole, Senator Henry in the Chair, for the purpose of considering Substitute Senate Bill No. 2148.

#### COMMITTEE OF THE WHOLE

Substitute Senate Bill No. 2148 was considered in the Committee of the Whole and reported back to the Senate, Senator Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Walgren, the report of the committee was adopted.

On motion of Senator Henry, the reading had in the Committee of the Whole was considered the second reading of Substitute Senate Bill No. 2148.

The following amendments to Substitute Senate Bill No. 2148 adopted in the Committee of the Whole were adopted by the Senate:

On page 3, line 14, after "\$" strike "23,564,000" and insert "21,864,000".

On page 3, line 16, after "\$" strike "34,078,000" and insert "32,378,000".

On page 4, line 22 after "than" strike "\$3,389,000" and insert "\$1,689,000".

On page 4, beginning on line 27, strike all of subparagraph (b) and reletter the remaining subparagraph accordingly.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2148 was advanced to third reading, the second reading considered 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. 2148, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Lysen, Marsh, Matson, McDermott, Moore, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—35.

Voting nay: Senators Benitz, Bluechel, Clarke, Guess, Hayner, Jones, Lee, Lewis, Morrison, Newschwander, North, Wanamaker—12.

Excused: Senators Keefe, Sellar—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 3:20 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, January 25, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, January 25, 1979.

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 Keefe and Scott. On motion of Senator Jones, Senator Scott was excused. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Lynn Hanson and Carey Parkerson, presented the Colors. Reverend Charles Loyer, pastor of the Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WHO DOST HOLD US RESPONSIBLE FOR THE TALENTS AND RESOURCES GIVEN TO OUR CARE, WE THANK YOU FOR THE VAST NATURAL AND HUMAN RESOURCES RESIDENT WITHIN THE BOUNDARIES OF OUR STATE. MAKE US EQUAL, WE PRAY, TO THE RESPONSIBILITIES THESE GIFTS INCUR. HELP US, LEGISLATORS AND CONSTITUENTS, TO SO ORDER THE AFFAIRS OF OUR SOCIETY THAT THIS NATIVE WEALTH MAY ENRICH BOTH OUR LIVES AND THOSE OF GENERATIONS YET UNBORN. 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

January 24, 1979

SENATE BILL NO. 2121, authorizing embalmers to remove eyes from deceased donor (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 24, 1979

SENATE BILL NO. 2158, providing for the classification and conveyance of conservation rights as real property (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2158 be substituted therefor, and that Substitute Senate Bill No. 2158 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

January 24, 1979

SENATE BILL NO. 2259, excluding certain professional organizations from the definition of "insurer" (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENTS

January 24, 1979.

DON ANDERSON, to the position of member of the Commission for Vocational Education, appointed by the Governor on December 12, 1977 for the term ending July 1, 1982, succeeding Floyd Sexton (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

DONALD M. COE, to the position of member of the Board of Trustees, Community College District No. 1, appointed by the Governor on November 17, 1978 for the term ending September 30, 1983, succeeding Harris Johnson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

FRANK H. LARNER, to the position of member of the Board of Trustees, Community College District No. 2, appointed by the Governor on September 7, 1978 for the term ending September 30, 1979, succeeding Edwin Van Syckle (reported by Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

WILLIAM J. MCKINNEY, O.D., to the position of member of the Board of Trustees, Community College District No. 2, appointed by the Governor on October 12, 1978 for the term ending September 30, 1983, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

LEONARD W. COSTELLO, to the position of member of the Board of Trustees, Community College District No. 3, appointed by the Governor on July 20, 1978 for the term ending September 30, 1982, succeeding M. Chandler Redman (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

JOYCE M. NIELSON, to the position of member of the Board of Trustees, Community College District No. 4, appointed by the Governor on October 11, 1978 for the term ending September 30, 1983, succeeding Marjorie Peters (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

SCOTT O. RICHARDS, to the position of member of the Board of Trustees, Skagit Valley Community College, District No. 4, appointed by the Governor on January 16, 1978 for the term ending October 1, 1980, succeeding Jack Schuster (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979

KAREN MILLER, to the position of member of the Board of Trustees, Community College District No. 5, appointed by the Governor on May 23, 1978 for the term ending September 30, 1983, succeeding John Donovan (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

JIM SHIPMAN, to the position of member of the Board of Trustees, Community College District No. 5, appointed by the Governor on October 25, 1978 for the term ending September 30, 1983, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

SAMUEL E. KELLY, to the position of member of the Board of Trustees, Community College District No. 8, appointed by the Governor on October 11, 1978 for the term ending September 30, 1983, succeeding Neil McReynolds (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

MS. EMI SOMEKAWA, to the position of member of the Board of Trustees, Community College District No. 11, appointed by the Governor on June 30, 1978 for the term ending September 30, 1982, succeeding Art Somekawa (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

MERRILY KNUTSEN, to the position of member of the Board of Trustees, Community College District No. 12, appointed by the Governor on October 12,

appointed by the Governor on October 12, 1978, for the term ending September 30, 1983, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

VERNON L. MARTIN, to the position of member of the Board of Trustees, Community College District No. 12, appointed by the Governor on December 8, 1978 for the term ending September 30, 1980, succeeding David Ellsworth (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

G. W. BURCHIM, to the position of member of the Board of Trustees, Community College District No. 13, appointed by the Governor on November 15, 1978 for the term ending September 30, 1980, succeeding Shirley Smith (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

MAR CINE MILES, to the position of member of the Board of Trustees, Community College District No. 14, appointed by the Governor on November 15, 1978 for the term ending September 30, 1983, succeeding Betty J. Mage (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

ROBERT L. PARLETTE, to the position of member of the Board of Trustees, Community College District No. 15, appointed by the Governor on October 25, 1978 for the term ending September 30, 1983, succeeding Thomas Warren (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

MARTHA INDERMUHLE, to the position of member of the Board of Trustees, Community College District No. 16, appointed by the Governor on October 13, 1978 for the term ending September 30, 1983, succeeding Mary E. Hersey (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

MS. RUTH F. MOTTLEY, to the position of member of the Board of Trustees, Yakima Valley College, appointed by the Governor on April 8, 1975 for the term ending April 3, 1980, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

DONALD L. OLSON, to the position of member of the Board of Trustees, Community College District No. 17, appointed by the Governor on November 15, 1978 for the term ending September 30, 1983, succeeding Robert T. Green (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

RAYMOND R. ANDERSON, to the position of member of the Board of Trustees, Community College District No. 18, appointed by the Governor on December 1, 1978 for the term ending September 30, 1979, succeeding Dean Judd (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

HARRY M. YAMAMOTO, JR., to the position of member of the Board of Trustees, Community College District No. 18, appointed by the Governor on October 10, 1978 for the term ending September 30, 1983, succeeding Alfred Geesey (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

L. C. MIKE FLOYD, to the position of member of the Board of Trustees, Community College District No. 20, appointed by the Governor on December 1, 1978 for the term ending September 30, 1983, succeeding I. L. Smith (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

WILLIAM A. GRANT, to the position of member of the Board of Trustees, Walla Walla Community College, District No. 20, appointed by the Governor on August 9, 1977 for the term ending October 1, 1979, succeeding Gary Bergeven (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

CHARLES W. VOTAW, to the position of member of the Board of Trustees, Community College District No. 20, appointed by the Governor on March 21, 1978 for the term ending September 30, 1981, succeeding Bob Mickelson (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

M. G. HOLLANDER, to the position of member of the Board of Trustees, Community College District No. 21, appointed by the Governor on May 23, 1978 for the term ending September 30, 1981, succeeding Bob Partlow (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

RICHARD J. LANGABEER, to the position of member of the Board of Trustees, Community College District No. 21, appointed by the Governor on November 21, 1977 for the term ending October 1, 1982, succeeding Sam P. Kelly (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

GAEL R. STUART, to the position of member of the Board of Trustees, Community College District No. 1, appointed by the Governor on October 12, 1978 for the term ending September 30, 1980, succeeding Dr. William J. Scheyer (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

DOROTHY L. MURPHY, to the position of member of the Board of Trustees, Grays Harbor Community College, appointed by the Governor on December 12, 1977 for the term ending October 1, 1980, succeeding Isabelle S. Lamb (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

MAJ. GEN. JACK K. GAMBLE, RET., to the position of member of the Board of Trustees, Community College District No. 11, appointed by the Governor

on November 15, 1978 for the term ending September 30, 1983, succeeding Douglas Richter (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

January 24, 1979.

ALEXANDER M. LEESE, to the position of member of the Board of Trustees, Community College District No. 13, appointed by the Governor on November 15, 1978 for the term ending September 30, 1983, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

### MESSAGES FROM THE HOUSE

January 24, 1979.

Mr. President: The House has passed:

HOUSE BILL NO. 18,

HOUSE BILL NO. 26,

HOUSE BILL NO. 33,

HOUSE BILL NO. 50,

HOUSE BILL NO. 341,

HOUSE BILL NO. 342,

HOUSE BILL NO. 343,

HOUSE BILL NO. 344,

HOUSE BILL NO. 345,

HOUSE BILL NO. 346,

HOUSE BILL NO. 347,

HOUSE BILL NO. 348, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

January 24, 1979.

Mr. President: The Speakers have signed: SENATE CONCURRENT RESOLUTION NO. 101, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

January 24, 1979.

Mr. President: The Speakers have signed:

SENATE BILL NO. 2065,

SENATE CONCURRENT RESOLUTION NO. 102, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2419, by Senators Gaspard, Quigg and Bottiger:

AN ACT Relating to mineral and energy resources in the state of Washington; and adding a new section to chapter 84.40 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2420, by Senators Lysen and Pullen:

AN ACT Relating to labor; prohibiting certain terms in employment agreements relating to inventions by employees; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2421, by Senators Gould, Vognild and Woody:

AN ACT Relating to judges; amending section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.064; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2422, by Senator Day:

AN ACT Relating to professional discipline; amending section 3, chapter 202, Laws of 1955 as last amended by section 1, chapter 61, Laws of 1975 and RCW 18.72.030; amending section 6, chapter 202, Laws of 1955 and RCW 18.72.060; amending section 10, chapter 202, Laws of 1955 as amended by section 42, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.72.100; amending section 13, chapter 202, Laws of 1955 and RCW 18.72.130; amending section 15, chapter 202, Laws of 1955 as amended by section 4, chapter 61, Laws of 1975 and RCW 18.72.150; amending section 16, chapter 202, Laws of 1955 and RCW 18.72.160; amending section 17, chapter 202, Laws of 1955 and RCW 18.72.170; amending section 23, chapter 202, Laws of 1955 and RCW 18.72.230; amending section 24, chapter 202, Laws of 1955 and RCW 18.72.240; amending section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250; amending section 3, chapter 61, Laws of 1975 and RCW 18.72.275; amending section 3, chapter 171, Laws of 1967 as last amended by section 1, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.030; amending section 4, chapter 171, Laws of 1967 as amended by section 13, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.040; adding new sections to chapter 18.72 RCW; repealing section 20, chapter 202, Laws of 1955 and RCW 18.72.200; repealing section 21, chapter 202, Laws of 1955 and RCW 18.72.210; repealing section 22, chapter 202, Laws of 1955 and RCW 18.72.220; repealing section 31, chapter 202, Laws of 1955 and RCW 18.72.310; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2423, by Senators Bausch and Jones:

AN ACT Relating to insurance; amending section .03.01, chapter 79, Laws of 1947 and RCW 48.03.010; amending section .03.06, chapter 79, Laws of 1947 and RCW 48.03.060; amending section .14.02, chapter 79, Laws of 1947 as amended by section 9, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.020; amending section 21, chapter 190, Laws of 1949 and RCW 48.14.080; amending section .29.14, chapter 79, Laws of 1947 and RCW 48.29.140; adding a new section to chapter 48.29 RCW; and repealing section .29.15, chapter 79, Laws of 1947 and RCW 48.29.150.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2424, by Senators Bottiger and Conner:

AN ACT Relating to pilotage; and amending section 11, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.155.

Referred to Committee on Transportation.

SENATE BILL NO. 2425, by Senators Bottiger, Quigg and Gaspard:

AN ACT Relating to mineral and energy resources in the state of Washington; providing for a tax on mineral rights in property severed from the surface rights thereof; and adding a new chapter to Title 84 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2426, by Senators Bluechel, Rasmussen, Scott, Shinpoch and Woody (by Legislative Budget Committee request):

AN ACT Relating to education; amending section 12, chapter 176, Laws of 1969 ex. sess. as last amended by section 28, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.120; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 45, Laws of 1973 and RCW 28A.24.055; section 28A.58.102, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.102; amending section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 255, Laws of 1977 ex. sess. and RCW 28A.58.420; amending section 1, chapter 125, Laws of 1973 and RCW 28A.58.423; section 1, chapter 269, Laws of 1971 ex. sess. and RCW 28A.58.425; amending section 2, chapter 142, Laws of 1972 ex. sess. as amended by section 116, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.630; amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030; creating new sections; making an appropriation; declaring an emergency; and making an effective date.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2427, by Senators Peterson, Wanamaker and Goltz:

AN ACT Relating to highways; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2428, by Senators Day, Moore, Jones, Odegaard, McDermott, Ridder, Wojahn and Quigg:

AN ACT Relating to mental illness; and amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2429, by Senators Lysen, Moore, Vognild and Morrison:

AN ACT Relating to public employees' collective bargaining; amending section 1, chapter 5, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.010; amending section 2, chapter 5, Laws of 1975-'76 2nd ex. sess. as amended by section 91, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.58.015; repealing section 5, chapter 288, Laws of 1975 1st ex. sess., section 92, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.59.040; and repealing section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050.

Referred to Committee on Labor.

SENATE BILL NO. 2430, by Senators Lysen, Moore, Vognild and Morrison:

AN ACT Relating to the public employment relations commission; and amending section 47.64.040, chapter 13, Laws of 1961 as amended by section 35, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.040.

Referred to Committee on Labor.

SENATE BILL NO. 2431, by Senators Lysen, Moore, Vognild and Morrison:

AN ACT Relating to public employees collective bargaining; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; repealing section 1, chapter 101, Laws of 1967 and RCW 53.18.010; repealing section 2, chapter 101, Laws of 1967 and RCW 53.18.020; repealing section 3, chapter 101, Laws of 1967, section 38, chapter 296, Laws of 1975 1st ex. sess. and RCW 53.18.030; repealing section 4, chapter 101, Laws of 1967 and RCW 53.18.040; repealing section 5,

chapter 101, Laws of 1967 and RCW 53.18.050; and repealing section 6, chapter 101, Laws of 1967 and RCW 53.18.060.

Referred to Committee on Labor.

SENATE BILL NO. 2432, by Senators Bottiger and North:

AN ACT Relating to energy facility site locations; amending section 15, chapter 45, Laws of 1970 ex. sess. as amended by section 12, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.150; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2433, by Senators Day, Ridder and Shinpoeh:

AN ACT Relating to unemployable persons; and amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.005.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2434, by Senators Goltz, Scott and Benitz:

AN ACT Regulating certain educational institutions; adding a new chapter to Title 28B RCW; creating new sections; providing civil and criminal penalties; and making an effective date.

Referred to Committee on Higher Education.

SENATE BILL NO. 2435, by Senators Van Hollebeke and Wojahn (by Department of Licensing request):

AN ACT Relating to notaries public and commissioners of deeds;

Referred to Committee on Commerce.

SENATE BILL NO. 2436, by Senators Van Hollebeke, Wojahn and Morrison (by Department of Licensing request):

AN ACT Relating to accountancy; amending section 8, chapter 226, Laws of 1949 and RCW 18.04.090; amending section 11, chapter 226, Laws of 1949 as last amended by section 17, chapter 292, Laws of 1971 ex. sess. and RCW 18.04.120; amending section 19, chapter 226, Laws of 1949 as last amended by section 2, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.200; amending section 21, chapter 226, Laws of 1949 as last amended by section 3, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.220; amending section 24, chapter 226, Laws of 1949 and RCW 18.04.250; amending section 26, chapter 226, Laws of 1949 and RCW 18.04.270; amending section 28, chapter 226, Laws of 1949 as last amended by section 5, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.290; amending section 31, chapter 226, Laws of 1949 and RCW 18.04.320; and amending section 32, chapter 226, Laws of 1949 and RCW 18.04.330.

Referred to Committee on Commerce.

SENATE BILL NO. 2437, by Senators Van Hollebeke and Morrison (by Department of Licensing request):

AN ACT Relating to cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010; amending section 8, chapter 215, Laws of 1937 as amended by section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18-.020; amending section 1, chapter 215, Laws of 1937 as last amended by section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030; amending section 18, chapter 215, Laws of 1937 as amended by section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040; amending section 2, chapter 180, Laws of 1951 as last amended by section 21, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18-.050; amending section 4, chapter 180, Laws of 1951 as last amended by section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070; amending section 9, chapter 215, Laws of 1937 as amended by section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080; amending section 7, chapter 215, Laws of 1937 as last amended by section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100; amending section 1, chapter 168, Laws of 1953 and RCW 18.18.102; amending section 2,

chapter 168, Laws of 1953 as last amended by section 30, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.104; amending section 3, chapter 168, Laws of 1953 and RCW 18.18.106; amending section 4, chapter 168, Laws of 1953 and RCW 18.18.108; amending section 4, chapter 313, Laws of 1955 as last amended by section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110; amending section 5, chapter 313, Laws of 1955 and RCW 18.18.130; amending section 7, chapter 180, Laws of 1951 as last amended by section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140; amending section 7, chapter 52, Laws of 1957 as amended by section 6, chapter 324, Laws of 1959 and RCW 18.18.160; amending section 8, chapter 52, Laws of 1957 as amended by section 7, chapter 324, Laws of 1959 and RCW 18.18.170; amending section 8, chapter 180, Laws of 1951 as last amended by section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190; amending section 4, chapter 215, Laws of 1937 and RCW 18.18.200; amending section 15, chapter 215, Laws of 1937 as last amended by section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220; amending section 11, chapter 52, Laws of 1957 as last amended by section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260; amending section 12, chapter 52, Laws of 1957 as amended by section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270; amending section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290; amending section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300; repealing section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230; repealing section 14, chapter 3, Laws of 1965 ex. sess., section 31, chapter 34, Laws of 1975-'76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251; and making an appropriation.

Referred to Committee on Commerce.

**SENATE BILL NO. 2438**, by Senators Rasmussen, Odegaard and Vognild:

AN ACT Relating to consumer protection; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce.

**SENATE BILL NO. 2439**, by Senators Gallagher, Newschwander and Talley:

AN ACT Relating to food fish and shellfish; amending section 75.08.260, chapter 12, Laws of 1955 and RCW 75.08.260; amending section 75.12.100, chapter 12, Laws of 1955 and RCW 75.12.100; amending section 75.28.380, chapter 12, Laws of 1955 as amended by section 5, chapter 171, Laws of 1957 and RCW 75.28.380; and prescribing penalties.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 2440**, by Senators Bottiger, Gallagher and Gaspard:

AN ACT Relating to revenue and taxation; and amending section 84.36.050, chapter 15, Laws of 1961 as last amended by section 4, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.050.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2441**, by Senators Henry, McDermott and Sellar:

AN ACT Relating to the taxation of certain utility functions by counties; amending section 82.02.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 94, Laws of 1970 ex. sess. and RCW 82.02.020; and adding a new chapter to chapter 4, Laws of 1963 and to Title 36 RCW.

Authorizing the taxation of certain defined utility functions by counties.

Referred to Committee on Local Government.

**SENATE BILL NO. 2442**, by Senator Bottiger:

AN ACT Relating to energy distribution systems.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2443, by Senators Wilson, Sellar and Talley:  
AN ACT Relating to local government.  
Referred to Committee on Local Government.

SENATE BILL NO. 2444, by Senator Goltz:  
AN ACT Relating to vocational-technical institutes.  
Referred to Committee on Higher education.

SENATE BILL NO. 2445, by Senator Goltz:  
AN ACT Relating to the council for postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2446, by Senator Goltz:  
AN ACT Relating to the council for postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2447, by Senator Goltz:  
AN ACT Relating to tuition and fees of state institutions of higher education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2448, by Senator Goltz:  
AN ACT Relating to vocational education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2449, by Senator Goltz:  
AN ACT Relating to education; setting forth the Washington State Parental Involvement in Education Act of 1979; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 2450, by Senator Goltz:  
AN ACT Relating to community colleges.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2451, by Senator Goltz:  
AN ACT Relating to postsecondary education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2452, by Senator Goltz:  
AN ACT Relating to postsecondary education.  
Referred to Committee on Higher education.

SENATE BILL NO. 2453, by Senator Goltz:  
AN ACT Relating to institutions of higher education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2454, by Senator Woody:  
AN ACT Relating to elections; and creating a new section.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2455, by Senator Woody:  
AN ACT Relating to public disclosure; and creating a new section.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2456, by Senator Woody:  
AN ACT Relating to public disclosure; and creating a new section.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2457, by Senator Bottiger:  
AN ACT Relating to energy utilities accounting procedures.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2458, by Senator Peterson:  
AN ACT Relating to food fish and shellfish.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2459, by Senators Wilson, Sellar and Talley:  
AN ACT Relating to local government.  
Referred to Committee on Local Government.

SENATE BILL NO. 2460, by Senator Peterson:  
AN ACT Relating to food fish and shellfish.  
Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 105, by Senators Vognild, Peterson, Wanamaker, Day, Goltz, Talley, von Reichbauer, Woody, Williams, Ridder, Moore, Gaspard, Talmadge and Van Hollebeke:

Asking the United States Supreme Court for a speedy resolution of Indian fishing treaty issues.

Referred to Committee on Natural Resources.

#### FIRST READING OF HOUSE BILLS

HOUSE BILL NO. 18, by Representatives Becker, Smith (Rick), Tilly, Winsley and Brekke (by Committee on Judiciary of the 45th Legislature request):  
Enacting the uniform child custody jurisdiction act.  
Referred to Judiciary Committee.

HOUSE BILL NO. 26, by Representatives Valle, Gruger, Douthwaite and Pruitt (by House Committee on Ecology of the 45th Legislature request):  
Relating to highways.  
Referred to Committee on Ecology.

HOUSE BILL NO. 33, by Representatives Taller, Nelson (G. A.), Struthers, Ehlers and Sanders:  
Establishing certain fees relating to corporations which may be charged by the secretary of state.  
Referred to Committee on State Government.

HOUSE BILL NO. 50, by Representatives Newhouse, Smith (Rick), Barr, McGinnis, Sanders, Scmitt, Bond, Clayton, Isaacson, Eberle, Dawson, Zimmerman, Galloway, Smith (C.P.), Nisbet, Owen, McDonald and Wilson) (by Committee on Judiciary of the 45th Legislature request):  
Providing for limited liability of landowners for recreational use of their land by the public.  
Referred to Judiciary Committee.

HOUSE BILL NO. 341, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):  
Correcting double amendments to RCW 18.85.120, 18.85.140, 18.85.150 and 18.85.230.  
Referred to Judiciary Committee.

HOUSE BILL NO. 342, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):  
Correcting double amendment to RCW 21.20.310.  
Referred to Judiciary Committee.

HOUSE BILL NO. 343, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):  
Correcting double amendment to RCW 27.28.010 and 27.32.010.  
Referred to Judiciary Committee.

HOUSE BILL NO. 344, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):

Correcting double amendments to RCW 43.17.010, 43.17.020, 43.41.110 and 43.51.040.

Referred to Judiciary Committee.

HOUSE BILL NO. 345, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):

Correcting double amendment to RCW 46.37.340, 46.52.030 and 46.70.011.

Referred to Judiciary Committee.

HOUSE BILL NO. 346, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):

Correcting multiple amendment to RCW 82.08.030 and 82.12.030.

Referred to Judiciary Committee.

HOUSE BILL NO. 347, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):

Correcting double amendment to RCW 84.48.010.

Referred to Judiciary Committee.

HOUSE BILL NO. 348, by Representatives Newhouse, Smith (Rick) and Whiteside (by Code Reviser's request):

Making RCW corrections to Title 28B.

Referred to Judiciary Committee.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2426, 2428, 2429, 2430, 2431, SJM 105.

#### MOTION

At 10:27 a.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 11:48 a.m.

#### MOTION

On motion of Senator Wilson, Senator McDermott was excused.

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

#### REPORTS OF STANDING COMMITTEES

January 24, 1979

SENATE BILL NO. 2015, designating an official dance for the state (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Woody.

Passed to Committee on Rules for second reading.

January 24, 1979

SENATE BILL NO. 2021, controlling contraband in state correctional institutions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 23, 1979

SENATE BILL NO. 2045, excluding certain salmon guides from the laws governing charter boats (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 23, 1979

SENATE BILL NO. 2218, providing for cooperative land use planning by department of natural resources and local governments (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 24, 1979

SENATE BILL NO. 2294, increasing money amount for jurisdiction of justice of peace court (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2294 be substituted therefor, and that Substitute Senate Bill No. 2294 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 25, 1979

SENATE JOINT MEMORIAL NO. 102, requesting federal action to curb certain practices of the national park services in acquiring land (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

January 23, 1979.

BOB SMART, to the position of member of the Forest Practices Appeals Board, appointed by the Governor on April 28, 1978 for the term ending January 1, 1983, succeeding himself (reported by the Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules.

#### SECOND READING

SENATE BILL NO. 2143, by Senators McDermott, Talmadge, North and Fleming:

Changing descriptive designation of certain first class districts in class AA counties.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 2143 was advanced to third reading, the second 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. 2143 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, McDermott, Scott—3.

SENATE BILL NO. 2143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2165, by Senators Talley, Henry and Guess:

Replacing authority for the department of transportation to approve airport sites.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 2165 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Bottiger: "Senator Talley, I have a constituent that has a helicopter and he lands his helicopter in his pasture, in an area zoned general. That is the only aircraft that operates there and it is his helicopter. Would he be required to go down and get an approval under that circumstance?"

Senator Talley: "Yes, I think it would require approval, because you may think, in your opinion think it doesn't clear the hazards and maybe it does. I think there should be some checking on it at least. A notification that the airport is being established there. I don't think this bill was aimed at anybody in particular or anything in particular. Just says that if you want to put an airport in and you can show that it doesn't create any hazards, then they will go ahead an issue you a permit."

Senator Bottiger: "Senator, I am not opposed to the bill. I know if I vote yes I am going to have a mad constituent. I was hoping that you would say that it didn't apply to a single helicopter landing in a pasture, but apparently it does."

Senator Talley: "It certainly is not aimed at anything like that. It is not aimed at your county, Senator."

## REMARKS BY SENATOR HENRY

Senator Henry: "Further explanation. This of course was in effect though we repealed it because it seemingly wasn't being used. We repealed it in 1977, but the main thrust of this bill other than permitting an airport to build across the front of another airport some place is that federal funds are available to help small airports, and unless they are certificated airports, those federal funds will not be available."

## POINT OF INQUIRY

Senator Donohue: "Senator Henry, I think there is a difference between a landing strip, in your and my definition at least, and an airport. And I see nothing wrong with Senator Talley's bill. I am just asking so that we understand. Will this

have any effect upon someone who desires to have a landing strip on his farm or in a rural area? That is, 'in our definition not be considered an airport as such.' What about the fee? Are we going to license the airport for commercial or private, or what are we really talking about?"

Senator Henry: "The only thing you have to worry about, Senator, is dodging the cows when you come in on your landing strip. It will not be necessary to certificate yours unless you anticipate some federal funds in making a general airport."

#### POINT OF INQUIRY

Senator Wilson: "Senator Talley, this bill calls for annual licensing fees."

Senator Talley: "It says there can be a license fee. A fund to operate the thing, It doesn't have to be there, it is just permissive."

Senator Wilson: "Well, with respect to all of the small city airports that are around the state, are they presently paying any kind of an annual state license fee?"

Senator Talley: "I think they are paying seventy-five dollars."

Senator Wilson: "Well, I would be interested in knowing whether we are giving the Department of Transportation authority to collect fees from small town airports which are not presently being collected."

Senator Talley: "Well, if they provide inspection service and services to the strip, don't you think they should pay a little bit to cover the cost of the manpower and things like that? It is not a revenue bill, designed to collect a lot of revenue. It just operates the bill. Now I would have assured Senator Donohue when we flew into Dayton, if they would have moved that water tank, we wouldn't have had jump over it."

#### POINT OF INQUIRY

Senator Lewis: "The sole purpose, as I understand the remarks, then would be to get federal funds. Because already there exists in counties and cities the right to deny an airport building permit to go in any place."

Senator Talley: "There is in some areas, they have zoning orders, but we have some areas that don't have it."

Senator Lewis: "Wouldn't the county have the power, if they so desired, to have such control; they have that power now."

Senator Talley: "If they had it, they probably would have it yet, and if they handle it I don't think the state is interested. We just want to be able to move in if it is necessary."

Senator Lewis: "Has there been any problem with anyone wanting to build an airport in the counties denying them that right, or the cities?"

Senator Talley: "I don't think we want to get into the place where we are trying to override local authority."

Senator Lewis: "It would appear that this removes from local authority to the state and creates another layer of bureaucracy."

Senator Talley: "With the protection that is there now, yes."

Debate ensued.

#### MOTION

Senator Bottiger moved that Senate Bill No. 2165 be held for further consideration January 26, 1979.

#### POINT OF ORDER

Senator Henry: "Senator Bottiger made a speech before he made his motion."

**RULING BY THE PRESIDENT**

President Cherberg: "Senator Henry's remarks are well taken."

**MOTION**

On motion of Senator Henry, Senate Bill No. 2165 was ordered held on the third reading calendar for Friday, January 26, 1979.

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

**MOTION**

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

**SENATE RESOLUTION 1979-10**

By Senators Gaspard, Bottiger and Wojahn:

WHEREAS, The quality of life in the State of Washington is enhanced by the civic and public service of its residents; and

WHEREAS, The State of Washington gratefully acknowledges a debt to its residents who unselfishly devote their time and energy for the betterment of our state; and

WHEREAS, James M. Blair, Sr. was a resident of Puyallup, Washington who unselfishly devoted his time and energy for the betterment of our state; and

WHEREAS, James M. Blair, Sr. was active in the Western Washington Fair Association, the Puyallup Chamber of Commerce, the American Legion, the Elks, the Kiwanis, and the Knights of Columbus; and

WHEREAS, James M. Blair, Sr. was a member of the State Highway Commission from July of 1961 to June 30, 1967 and was vice-chairman of the Commission during his final year;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the members of the Senate are indebted to James M. Blair, Sr. for his civic and public contributions; and that the members of the Senate wish to offer to his family their deepest sympathy and condolences upon his death; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the surviving members of his family.

**MOTIONS**

On motion of Senator Marsh, the Judiciary Committee was relieved from further consideration of Senate Bill No. 2223.

On motion of Senator Marsh, Senate Bill No. 2223 was rereferred to the Committee on Social and Health Services.

**MOTION**

At 12:15 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, January 26, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## NINETEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, January 26, 1979.

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 Keefe, McDermott, Scott and Williams. On motion of Senator Wilson, Senators Keefe, McDermott and Williams were excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Heather Rae and Robert Rapp, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND FATHER, WHO HAS ORDAINED THAT JUSTICE AND MERCY SHOULD BE THE DISTINGUISHING MARKS OF HUMAN GOVERNMENT YET AS PROVIDED NO EASY FORMULA FOR THEIR REALIZATION, WE THANK YOU FOR OUR DEMOCRATIC INSTITUTIONS AND FOR THE MEN AND WOMEN WHO LABOR IN THESE CHAMBERS TO GIVE SHAPE TO THESE ELUSIVE IDEALS.

"BLESS THEIR EFFORTS TODAY. GIVE THEM THE INSIGHT, THE PATIENCE, AND THE FLEXIBILITY TO DEFINE THEIR PROBLEMS AND TO DISCOVER REASONABLE AND COMMON GROUNDS FOR SOLVING THEM. TO THOSE WHO WILL BE TRAVELING HOME LATER, GIVE JOURNEYING MERCIES; TO ALL, REST AND RENEWAL OVER THE WEEKEND. 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 COMMITTEE

January 26, 1979.

SENATE BILL NO. 2036, requiring the department of social and health services to contract with local nonprofit social service agencies for crisis intervention services (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 25, 1979.

SENATE BILL NO. 2092, permitting the digging of clams for another person who is physically disabled (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lysen, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 26, 1979.

SENATE BILL NO. 2147, limiting liability of persons donating food items to nonprofit organizations (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 26, 1979.

SENATE BILL NO. 2178, authorizing standby guardians to authorize emergency medical treatment (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 25, 1979.

SENATE BILL NO. 2237, modifying and extending the senior citizens service act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Referred to Committee on Ways and Means.

January 25, 1979.

SENATE BILL NO. 2242, authorizing a designee or other state official to serve in the governor's stead on certain boards (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

January 25, 1979.

SENATE BILL NO. 2257, relating to public printing (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

## REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 26, 1979.

LOUIS R. GUZZO, to the position of Officer of the State Historic Preservation, appointed by the Governor on September 23, 1977 for the term ending at the pleasure of the Governor (reported by Committee on Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Williams, Chairman; Donohue, Goltz, Guess, Hansen.

Passed to Committee on Rules.

January 25, 1979.

DAVID A. AKANA, to the position of member of the Pollution Control Hearings Board, appointed by the Governor on July 1, 1978 for the term ending June 30, 1984, succeeding William A. Gissberg (reported by the Committee on Ecology):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senator Williams, Chairman; Donohue, Goltz, Guess, Hansen.  
Passed to Committee on Rules.

REPORTS OF SELECT JOINT COMMITTEE ON  
WASHINGTON SUNSET ACT OF 1977

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Debt adjusting—Audit No. 77-13.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Financial Institutions and Insurance, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Financial Institutions and Insurance.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Proprietary schools—Audit No. 77-12.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Higher Education, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Higher Education.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Grist mills—Audit No. 77-14.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Agriculture, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Agriculture.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Vessel regulation—Audit No. 77-11.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Transportation, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Transportation.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Driver instructor schools—Audit No. 78-16.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Commerce, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Commerce.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Well water operators—Audit No. 78-18.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Ecology, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Ecology.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Forest fire advisory board—Audit No. 78-17.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Natural Resources, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Natural Resources.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Employment agency advisory board—Audit No. 78-15.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Commerce, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Commerce.

January 25, 1979.

Report from Select Joint Committee on the Washington Sunset Act of 1977 pertaining to: Escrow commission—Audit No. 78-19.

Reported by Committee on Rules which recommends that the report be referred to the Committee on Financial Institutions and Insurance, pursuant to chapter 43.131 RCW.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Financial Institutions and Insurance.

### MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 11:55 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 25, 1979.

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

LADIES AND GENTLEMEN:

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

Allen F. Stratton, appointed January 12, 1979, for a term ending December 31, 1982, succeeding Robert Downing as a member of the State Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, January 25, 1979.

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

LADIES AND GENTLEMEN:

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

David P. Alcorta, appointed April 4, 1977, for a term ending July 1, 1979, succeeding Ms. Socorra Rocha as a member of the Commission on Vocational Education.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, January 25, 1979.

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

LADIES AND GENTLEMEN:

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

E. J. "Jim" Clark, appointed January 11, 1979, for a term ending December 31, 1984, succeeding Kay Green as a member of the State Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, January 25, 1979.

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

LADIES AND GENTLEMEN:

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

Durand A. Cox, reappointed January 11, 1979, for a term ending December 31, 1984, succeeding himself as a member of the State Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

Office of the Governor, January 25, 1979.

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

LADIES AND GENTLEMEN:

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

Richard C. Swan, appointed January 11, 1979, for a term ending December 31, 1984, succeeding Ralph Mackey as a member of the State Parks and Recreation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Parks and Recreation.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2461, by Senators Rasmussen, McDermott and Wanamaker (by Utilities and Transportation Commission request)

AN ACT Relating to state government; amending section 3, chapter 133, Laws of 1913 and RCW 8.24.040; amending section 1, chapter 114, Laws of 1955 as last amended by section 1, chapter 42, Laws of 1977 ex. sess. and RCW 9.45.240; amending section 5, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.070; amending section 61, chapter 256, Laws of 1961 and RCW 15.65.610; amending section 15.66.270, chapter 11, Laws of 1961 and RCW 15.66.270; amending section 5, chapter 319, Laws of 1977 ex. sess. and RCW 19.02.050; amending section 4, chapter 130, Laws of 1913 and RCW 19.29.040; amending section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 49, Laws of 1977 and RCW 19.86.170; amending section 2, chapter 221, Laws of 1939 and RCW 19.90.020; amending section 141, chapter 53, Laws of 1965 and RCW 23A.40.080; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 45, Laws of 1973 and RCW 28A.24.055; amending section 1, chapter 93, Laws of 1974 ex. sess. and RCW 28A.24.180; amending section 4, chapter 234, Laws of 1959 and RCW 34.04.040; amending section 35.58.240, chapter 7, Laws of 1965 as last amended by section 8, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.240; amending section 35.58.250, chapter 7, Laws of 1965 and RCW 35.58.250; amending section 35.84.060, chapter 7, Laws of 1965 as amended by section 26, chapter 281, Laws of 1969 ex. sess. and RCW 35.84.060; amending section 36.54.080, chapter 4, Laws of 1963 as amended by section 36, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.54.080; amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040; amending section 19, chapter 270, Laws of 1975 1st ex. sess. as amended by section 3, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.090; amending section 20, chapter 270, Laws of 1975 1st ex. sess. as amended by section 4, chapter 44, Laws of 1977 ex. sess. and RCW 36.57A.100; amending section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.040; amending section 3, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.050; amending section 4, chapter 293, Laws of 1971 ex. sess. and RCW 36.58A.030; amending section 6, chapter 293, Laws of 1971 ex. sess. and RCW 36.58A.040; amending section 36.86.100, chapter 4, Laws of 1963 and RCW 36.86.100; amending section 1, chapter 139, Laws of 1969 ex. sess. as amended by section 1, chapter 46, Laws of 1977 and RCW 39.34.085; amending and reenacting section 24, chapter 1, Laws of 1973 as last amended by section 1, chapter 104, Laws of 1975-'76 2nd ex. sess. and by section 7, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.240; amending section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 328, Laws of 1977 ex. sess. and RCW 43.21G.080; amending section 43.52.450, chapter 8, Laws of 1965 as amended by section 11, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.450; amending section 46.16.125, chapter 12, Laws of 1961 as amended by section 60, chapter 83, Laws of 1967 ex. sess. and RCW 46.16.125; amending section 46.52.060, chapter 12, Laws of 1961 as last amended by section 67, chapter 75, Laws of 1977 and RCW 46.52.060; amending section 48, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 78, Laws of 1977 and RCW 46.61.350; amending

section 3, chapter 16, Laws of 1963 as last amended by section 35, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.410; amending section 3, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.020; amending section 4, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.030; amending section 5, chapter 94, Laws of 1967 ex. sess. as amended by section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040; amending section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140; amending section 2, chapter 78, Laws of 1977 ex. sess. and RCW 47.12-.066; amending section 47.32.140, chapter 13, Laws of 1961 and RCW 47.32.140; amending section 47.36.050, chapter 13, Laws of 1961 and RCW 47.36.050; amending section 47.36.070, chapter 13, Laws of 1961 and RCW 47.36.070; amending section 8, chapter 65, Laws of 1955 and RCW 53.08.070; amending section 2, chapter 130, Laws of 1945 and RCW 54.04.100; amending section 5, chapter 390, Laws of 1955 and RCW 54.16.040; amending section 2, chapter 159, Laws of 1967 as last amended by section 2, chapter 72, Laws of 1975-'76 2nd ex. sess. and RCW 54.44.020; amending section 3, chapter 102, Laws of 1969 and RCW 54.48-.030; amending section 4, chapter 102, Laws of 1969 and RCW 54.48.040; amending section 1, chapter 111, Laws of 1931 as last amended by section 5, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.010; amending section 5, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.191; amending section 9, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 293, Laws of 1971 ex. sess. and RCW 70.95.090; amending section 27, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.900; amending section 79, chapter 255, Laws of 1927 and RCW 79.01-.316; amending section 81, chapter 255, Laws of 1927 and RCW 79.01.324; amending section 82, chapter 255, Laws of 1927 and RCW 79.01.328; amending section 2, chapter 312, Laws of 1927 and RCW 79.36.240; amending section 5, chapter 312, Laws of 1927 and RCW 79.36.270; amending section 7, chapter 312, Laws of 1927 and RCW 79.36.280; amending section 80.01.010, chapter 14, Laws of 1961 as amended by section 4, chapter 307, Laws of 1961 and RCW 80.01.010; amending section 80.01.040, chapter 14, Laws of 1961 and RCW 80.01.040; amending section 80.01.080, chapter 14, Laws of 1961 and RCW 80.01.080; amending section 7, chapter 293, Laws of 1971 ex. sess. and RCW 80.01.300; amending section 80.04-.010, chapter 14, Laws of 1961 as last amended by section 1, chapter 47, Laws of 1977 ex. sess. and RCW 80.04.010; amending section 80.08.010, chapter 14, Laws of 1961 and RCW 80.08.010; amending section 80.08.070, chapter 14, Laws of 1961 and RCW 80.08.070; amending section 80.08.105, chapter 14, Laws of 1961 and RCW 80.08.105; amending section 80.12.010, chapter 14, Laws of 1961 and RCW 80.12.010; amending section 80.16.010, chapter 14, Laws of 1961 and RCW 80.16-.010; amending section 80.28.190, chapter 14, Laws of 1961 as amended by section 141, chapter 81, Laws of 1971 and RCW 80.28.190; amending section 80.28.210, chapter 14, Laws of 1961 as amended by section 2, chapter 210, Laws of 1969 ex. sess. and RCW 80.28.210; amending section 80.28.220, chapter 14, Laws of 1961 and RCW 80.28.220; amending section 2, chapter 201, Laws of 1963 and RCW 80.40.010; amending section 5, chapter 201, Laws of 1963 and RCW 80.40.040; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 81.04-.010, chapter 14, Laws of 1961 and RCW 81.04.010; amending section 81.08.010, chapter 14, Laws of 1961 as amended by section 3, chapter 105, Laws of 1965 ex. sess. and RCW 81.08.010; amending section 81.08.105, chapter 14, Laws of 1961 and RCW 81.08.105; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 210, Laws of 1969 ex. sess. and RCW 81.12.010; amending section 81.16.010, chapter 14, Laws of 1961 as amended by section 5, chapter 210, Laws of 1969 ex. sess. and RCW 81.16.010; amending section 81.20-.010, chapter 14, Laws of 1961 and RCW 81.20.010; amending section 81.40.095, chapter 14, Laws of 1961 and RCW 81.40.095; amending section 81.44.065, chapter

14, Laws of 1961 and RCW 81.44.065; amending section 6, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.096; amending section 10, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.098; amending section 13, chapter 116, Laws of 1969 ex. sess. and RCW 81.44.099; amending section 81.53.010, chapter 14, Laws of 1961 and RCW 81.53.010; amending section 81.53.170, chapter 14, Laws of 1961 as amended by section 145, chapter 81, Laws of 1971 and RCW 81.53.170; amending section 1, chapter 134, Laws of 1969 and RCW 81.53.261; amending section 4, chapter 134, Laws of 1969 and RCW 81.53.291; amending section 3, chapter 168, Laws of 1977 ex. sess. and RCW 81.53.420; amending section 2, chapter 2, Laws of 1977 ex. sess. and RCW 81.61.020; amending section 3, chapter 150, Laws of 1965 as amended by section 1, chapter 132, Laws of 1969 and RCW 81.70.020; amending section 9, chapter 295, Laws of 1961 as last amended by section 3, chapter 143, Laws of 1971 ex. sess. and RCW 81.77.080; amending section 81.80.320, chapter 14, Laws of 1961 as last amended by section 5, chapter 143, Laws of 1971 ex. sess. and RCW 81.80.320; amending section 82.44.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.070; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120; amending section 84.12.230, chapter 15, Laws of 1961 as amended by section 161, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.230; amending section 3, chapter 125, Laws of 1975 1st ex. sess. and RCW 88.16.190; and amending section 2, chapter 185, Laws of 1973 1st ex. sess. as amended by section 2, chapter 54, Laws of 1977 and RCW 90.62.020.

Referred to Committee on State Government.

SENATE BILL NO. 2462, by Senators Rasmussen, Clarke and Wojahn (by State Treasurer request)

AN ACT Relating to investment of state funds; and amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1975 1st ex. sess. and RCW 43.84.080.

Referred to Committee on State Government.

SENATE BILL NO. 2463, by Senators Donohue, Fleming, Marsh, von Reichbauer, Wojahn, Day, Williams and Bausch (by Executive request)

AN ACT Relating to handicapped accessibility, including authorization of the issuance of general obligation bonds to finance proper facilities therefor; providing for the financing of capital modifications to assure that no qualified handicapped person is denied the benefit of or participation in state programs or activities receiving federal financial assistance from the Department of Health, Education, and Welfare on the basis of handicap; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2464, by Senators Odegaard, von Reichbauer, Day, Talley, Donohue, Moore, Marsh, Walgren, Vognild, Gaspard, Wojahn, Hansen and Hayner (by Executive request)

AN ACT Relating to revenue and taxation; amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381; amending section 2, chapter 182, Laws of 1974 ex. sess. as amended by section 15, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.383; amending section 3, chapter 182, Laws of 1974 ex. sess. as amended by section 2, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.385; amending section 5, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.389; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 196, Laws of

1974 ex. sess. and RCW 84.56.020; adding a new section to chapter 84.38 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2465**, by Senators Odegaard, Goltz, Donohue, McDermott and Williams

**AN ACT** Relating to the public employees' retirement system; and amending section 1, chapter 23, Laws of 1973 and RCW 41.40.450.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2466**, by Senators Marsh, Clarke and Bottiger

**AN ACT** Relating to civil actions and proceedings; to exculpatory contractual provisions; and amending section 2, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.115.

Referred to Judiciary Committee.

**SENATE BILL NO. 2467**, by Senators Walgren, Marsh and Clarke

**AN ACT** Relating to drivers' licenses; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 2468**, by Senators Walgren, Clarke and Van Hollebeke

**AN ACT** Relating to motor vehicles; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 2469**, by Senators Fleming, North, McDermott, Moore, Goltz, Ridder, Sellar and Williams

**AN ACT** Relating to state government; amending section 7, chapter 37, Laws of 1974 ex. sess. as amended by section 1, chapter 35, Laws of 1977 ex. sess. and RCW 35.21.755; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2470**, by Senators Henry, Conner and Lee (by State Superintendent of Public Instruction request)

**AN ACT** Relating to motor vehicles; amending section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.190; amending section 52, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.370; amending section 8, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.375; creating new sections; adding a new section to chapter 46.16 RCW; and providing penalties.

Referred to Committee on Transportation.

**SENATE BILL NO. 2471**, by Senators Marsh, Henry, Odegaard, Benitz and Hayner

**AN ACT** Relating to noxious weeds; and amending section 6, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.060.

Referred to Committee on Agriculture.

**SENATE BILL NO. 2472**, by Senators Donohue and Scott (by Office of Financial Management request)

**AN ACT** Relating to revenue and taxation; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 359, Laws of 1977 ex. sess. and RCW 28A.45.050; amending section 5, chapter 278, Laws of 1957 as last amended by section 4, chapter 366, Laws of 1977 ex. sess. and RCW 54.28.050; amending section 10, chapter 278, Laws of 1957 as amended by section 5, chapter 366, Laws of 1977 ex. sess. and RCW 54.28.090; amending section 36.33.110, chapter 4, Laws of 1963 as last amended by section 15, chapter 359, Laws of 1977 ex. sess. and RCW 36.33.110; amending section 7, chapter 154, Laws

of 1923 as last amended by section 4, chapter 123, Laws of 1971 ex. sess. and RCW 76.12.120; amending section 3b, added to chapter 154, Laws of 1923 by section 3, chapter 288, Laws of 1927 as last amended by section 1, chapter 224, Laws of 1971 ex. sess. and RCW 76.12.030; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2473, by Senators Lewis and von Reichbauer (by State Parks and Recreation Commission request)

AN ACT Relating to state parks; amending section 43.51.210, chapter 8, Laws of 1965 as last amended by section 1, chapter 246, Laws of 1971 ex. sess. and RCW 43.51.210; and making an appropriation.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2474, by Senators North and Bottiger

AN ACT Relating to the state building codes; and amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.030.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2475, by Senators Moore, Day, McDermott, Quigg and Ridder

AN ACT Relating to homemaker services; amending section 3, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.550; and adding new sections to chapter 74.08 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2476, by Senator Newschwander

AN ACT Relating to natural resources; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 4, chapter 112, Laws of 1949 and RCW 75.08.022; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; amending section 77.04.020, chapter 36, Laws of 1955 and RCW 77.04.020; amending section 77.12.040, chapter 36, Laws of 1955 as amended by section 3, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.040; amending section 77.12.250, chapter 36, Laws of 1955 and RCW 77.12.250; adding new sections to chapter 43.43 RCW; adding a new section to chapter 75.08 RCW; adding a new section to chapter 77.12 RCW; creating new sections; repealing section 1, chapter 216, Laws of 1957 and RCW 75.08.024; repealing section 13, chapter 207, Laws of 1953 and RCW 75.08.203; repealing section 14, chapter 207, Laws of 1953, section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2477, by Senators Conner, Walgren and Rasmussen

AN ACT Relating to marine employees; and amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010.

Referred to Committee on Transportation.

SENATE BILL NO. 2478, by Senators Goltz, Benitz and Hayner (by Office of Financial Management request)

AN ACT Relating to higher education; amending section 3, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.201; amending section 4, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.401; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.500; and creating a new section.

Referred to Committee on Higher education.

SENATE BILL NO. 2479, by Senators Bausch, Odegaard and Van Hollebeke (by Department of Commerce and Economic Development request)

AN ACT Relating to banks and trust companies; and amending section 1, chapter 185, Laws of 1959 and RCW 30.04.126.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2480, by Senator Henry

AN ACT Relating to vehicle loads; and amending section 46.56.135, chapter 12, Laws of 1961 as last amended by section 22, chapter 307, Laws of 1971 ex. sess. and RCW 46.61.655.

Referred to Committee on Transportation.

SENATE BILL NO. 2481, by Senator Henry (by Washington State Patrol request)

AN ACT Relating to motor vehicles; and amending section 2, chapter 144, Laws of 1967 as amended by section 1, chapter 22, Laws of 1973 2nd ex. sess. and RCW 46.64.070.

Referred to Committee on Transportation.

SENATE BILL NO. 2482, by Senators Van Hollebeke, Odegaard and Wanamaker (by Department of Commerce and Economic Development request)

AN ACT Relating to partnerships; amending section 1, chapter 145, Laws of 1907 and RCW 19.80.010; amending section 25.08.020, chapter 15, Laws of 1955 as amended by section 1, chapter 113, Laws of 1972 ex. sess. and RCW 25.08.020; amending section 25.08.060, chapter 15, Laws of 1955 and RCW 25.08.060; amending section 25.08.070, chapter 15, Laws of 1955 as amended by section 2, chapter 113, Laws of 1972 ex. sess. and RCW 25.08.070; amending section 25.08.080, chapter 15, Laws of 1955 and RCW 25.08.080; amending section 25.08.090, chapter 15, Laws of 1955 as amended by section 3, chapter 113, Laws of 1972 ex. sess. and RCW 25.08.090; amending section 25.08.140, chapter 15, Laws of 1955 and RCW 25.08.140; amending section 25.08.150, chapter 15, Laws of 1955 and RCW 25.08.150; amending section 25.08.160, chapter 15, Laws of 1955 and RCW 25.08.160; amending section 25.08.170, chapter 15, Laws of 1955 and RCW 25.08.170; amending section 25.08.190, chapter 15, Laws of 1955 as amended by section 4, chapter 113, Laws of 1972 ex. sess. and RCW 25.08.190; amending section 25.08.200, chapter 15, Laws of 1955 and RCW 25.08.200; amending section 25.08.230, chapter 15, Laws of 1955 and RCW 25.08.230; amending section 25.08.240, chapter 15, Laws of 1955 as amended by section 5, chapter 113, Laws of 1972 ex. sess. and RCW 25.08.240; amending section 25.08.250, chapter 15, Laws of 1955 and RCW 25.08.250; amending section 25.08.300, chapter 15, Laws of 1955 and RCW 25.08.300; adding a new section to chapter 25.04 RCW; creating a new section; repealing section 2, chapter 145, Laws of 1907; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 2483, by Senators Van Hollebeke, Walgren and Wanamaker (by Department of Commerce and Economic Development request)

AN ACT Relating to contractors; amending section 3, chapter 77, Laws of 1963 as amended by section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030; amending section 5, chapter 118, Laws of 1972 ex. sess. as amended by section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120; and declaring an emergency.

Referred to Committee on Commerce.

SENATE BILL NO. 2484, by Senators Walgren, Odegaard, Wanamaker and Van Hollebeke (by Department of Commerce and Economic Development request)

AN ACT Relating to unemployment compensation; adding a new section to chapter 50.40 RCW; and creating a new section.

Referred to Committee on Labor.

SENATE BILL NO. 2485, by Senators Day, Marsh, Donohue, Clarke, von Reichbauer, Talmadge and Quigg

AN ACT Relating to probation; adding a new section to chapter 9.92 RCW; and adding a new section to chapter 9.95 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2486, by Senators Sellar, Hansen and Morrison

AN ACT Relating to apple assessments; and amending section 15.24.090, chapter 11, Laws of 1961 as last amended by section 27, chapter 240, Laws of 1967 and RCW 15.24.090.

Referred to Committee on Agriculture.

SENATE BILL NO. 2487, by Senators Henry, Hansen, Peterson, Day, Van Hollebeke, Vognild, Sellar, Matson, Donohue, Walgren and von Reichbauer

AN ACT Relating to motor vehicle speed regulation; amending section 1, chapter 16, Laws of 1963 as amended by section 54, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.400; amending section 2, chapter 16, Laws of 1963 as last amended by section 34, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.405; amending section 4, chapter 16, Laws of 1963 as last amended by section 36, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.415; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2488, by Senators Woody, McDermott, Scott and Bausch

AN ACT Relating to workers' compensation permanent partial disability benefit increases; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 46, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.080; declaring an emergency; and providing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2489, by Senators Hansen and Bausch

AN ACT Relating to park and recreation districts; adding new sections to chapter 36.69 RCW; and declaring an emergency.

Referred to Committee on Parks and Recreation.

## MOTION

On motion of Senator Odegaard, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2463, 2464, 2465, 2469, 2475, 2484, 2485, 2487, 2488.

## CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Goltz, the appointment of Donald M. Coe as a member of the Board of Trustees, Community College District No. 1 was confirmed.

## APPOINTMENT OF DONALD M. COE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Frank M. Larner as a member of the Board of Trustees, Community College District No. 2 was confirmed.

#### APPOINTMENT OF FRANK M. LARNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz the appointment of William J. McKinney as a member of the Board of Trustees, Community College District No. 2 was confirmed.

#### APPOINTMENT OF WILLIAM J. McKINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Leonard W. Costello as a member of the Board of Trustees, Community College District No. 3 was confirmed.

#### APPOINTMENT OF LEONARD W. COSTELLO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Joyce M. Nielson as a member of the Board of Trustees, Community College District No. 4 was confirmed.

#### APPOINTMENT OF JOYCE M. NIELSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Scott O. Richards as a member of the Board of Trustees, Skagit Valley Community College District No. 4 was confirmed.

#### APPOINTMENT OF SCOTT O. RICHARDS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Karen Miller as a member of the Board of Trustees, Community College District No. 5 was confirmed.

#### APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Jim Shipman as a member of the Board of Trustees, Community College District No. 5 was confirmed.

## APPOINTMENT OF JIM SHIPMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Samuel E. Kelly as a member of the Board of Trustees, Community College District No. 8 was confirmed.

## APPOINTMENT OF SAMUEL E. KELLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Ms. Emi Samekawa as a member of the Board of Trustees, Community College District No. 11 was confirmed.

## APPOINTMENT OF MS. EMI SOMEKAWA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Merrily Knutsen as a member of the Board of Trustees, Community College District No. 12 was confirmed.

### APPOINTMENT OF MERRILY KNUTSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Vernon L. Martin as a member of the Board of Trustees, Community College District No. 12 was confirmed.

### APPOINTMENT OF VERNON L. MARTIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of G. W. Burchim as a member of the Board of Trustees, Community College District No. 13 was confirmed.

### APPOINTMENT OF G. W. BURCHIM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of MarCine Miles as a member of the Board of Trustees, Community College District No. 14 was confirmed.

### APPOINTMENT OF MARCINE MILES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Robert L. Parlette as a member of the Board of Trustees, Community College District No. 15 was confirmed.

#### APPOINTMENT OF ROBERT L. PARLETTE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Martha Indermuhle as a member of the Board of Trustees, Community College District No. 16 was confirmed.

#### APPOINTMENT OF MARTHA INDERMUHLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Ms. Ruth F. Mottley as a member of the Board of Trustees, Yakima Valley College District No. 16 was confirmed.

#### APPOINTMENT OF MS. RUTH F. MOTTLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Donald L. Olson as a member of the Board of Trustees, Community College District No. 17 was confirmed.

### APPOINTMENT OF DONALD L. OLSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Raymond R. Anderson as a member of the Board of Trustees, Community College District No. 18 was confirmed.

### APPOINTMENT OF RAYMOND R. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Harry M. Yamamoto as a member of the Board of Trustees, Community College District No. 18 was confirmed.

### APPOINTMENT OF HARRY M. YAMAMOTO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of L. C. Mike Floyd as a member of the Board of Trustees, Community College District No. 20 was confirmed.

## APPOINTMENT OF L. C. MIKE FLOYD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of William A. Grant as a member of the Board of Trustees, Walla Walla Community College District No. 20 was confirmed.

## APPOINTMENT OF WILLIAM A. GRANT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of Charles W. Votaw as a member of Trustees Walla Walla Community College, District No. 20 was confirmed.

## APPOINTMENT OF CHARLES W. VOTAW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

On motion of Senator Goltz, the appointment of M. G. Hollander as a member of the Board of Trustees, Community College District No. 21 was confirmed.

### APPOINTMENT OF M. G. HOLLANDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Richard Langabeer as a member of the Board of Trustees, Community College District No. 21 was confirmed.

### APPOINTMENT OF RICHARD LANGABEER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Gael R. Stuart as a member of the Board of Trustees, Community College District No. 1 was confirmed.

### APPOINTMENT OF GAEL R. STUART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

### MOTION

On motion of Senator Goltz, the appointment of Dorothy L. Murphy as a member of the Board of Trustees, Grays Harbor Community College District No. 2 was confirmed.

### APPOINTMENT OF DOROTHY L. MURPHY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Major General Jack K. Gamble, Ret. as a member of the Board of Trustees, Community College District No. 11 was confirmed.

#### APPOINTMENT OF MAJOR GENERAL JACK K. GAMBLE, RET.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTION

On motion of Senator Goltz, the appointment of Alexander M. Leese as a member of the Board of Trustees, Community College District No. 13 was confirmed.

#### APPOINTMENT OF ALEXANDER M. LEESE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

#### MOTIONS

On motion of Senator Walgren, the Committee on State Government was relieved from further consideration of Senate Bill No. 2469.

On motion of Senator Walgren, Senate Bill No. 2469 was rereferred to the Committee on Ways and Means.

#### MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1979-12

By Senators von Reichbauer, Bottiger, Odegaard, Wojahn and Van Hollebeke:

WHEREAS, The civic bodies and service organizations of our state and the Washington State Senate recognize the great service rendered this state by the Washington State Jaycees; and

WHEREAS, The United States Jaycees and its affiliated state and local organizations have set aside the week of January 21-27, 1979, to observe the founding of Jaycees fifty-nine years ago; and

WHEREAS, This organization of young men has contributed materially to the betterment of this state through their participation and involvement in such programs as human resource development, environmental improvement, individual and family development, youth involvement, criminal justice, alcohol abuse education, and governmental affairs for the past forty-seven years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize and proclaim the week of January 21-27, 1979, as Jaycee Week in the State of Washington and urge all citizens of the state to give full regard to the past services of the Washington State Jaycees in the 147 communities of the state.

### MOTION

Senator Conner moved adoption of the following resolution:

#### SENATE RESOLUTION 1979-11

By Senators Conner, Walgren, Bottiger, Vognild, Henry, Talley, Bausch, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Keefe, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, von Reichbauer, Williams, Wilson, Wojahn, Woody and Quigg:

WHEREAS, The strike in the pulp and paper industry is now in its sixth month, adversely impacting the economy of the state and the well-being of its people; and

WHEREAS, Although under normal circumstances we as legislators would be reluctant to intrude in any way into the collective bargaining process, the existing impasse has continued for so long that a public expression of our concern is now warranted;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the senators appeal equally to the employers and the union to meet at the earliest possible date and undertake fresh, good-faith efforts to compromise remaining differences and reach an agreement in the best interests of all our citizens;

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the employers, to the union and its locals, and to any other appropriate recipients.

Debate ensued.

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

### ROLL CALL

The Secretary called the roll and the resolution passed by the following vote: Yeas, 38; nays, 6; absent or not voting 1; excused, 4.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—38.

Voting nay: Senators Benitz, Bluechel, Gould, Lewis, Matson, Pullen—6.

Absent or not voting: Senator Guess—1.

Excused: Senators Keefe, McDermott, Scott, Williams—4.

## MOTION

At 12:22 p.m., on motion of Senator Walgren, the Senate adjourned until 12:00 noon, Monday, January 29, 1979.

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

## TWENTY-SECOND DAY

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### NOON SESSION

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Senate Chamber, Olympia, Monday, January 29, 1979.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Christina Cluster and Greg Odegaard, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"O GRACIOUS GOD, RULER OF ALL THAT IS, SOVEREIGN OF EARTH AND SEA AND SPACE, IMPRESS UPON US THE FACT OF OUR CONTINUAL RELIANCE UPON YOUR PROVIDENTIAL CARE. PARTICULARLY REMIND US OF THAT NATURAL DEPENDENCY WHEN WE BEGIN TO SOUND LIKE WE KNOW MORE THAN YOU. STIR THE HEARTS AND MINDS OF THESE LEADERS OF THE PEOPLE TO ACCOMPLISH THE BEST FOR THE PEOPLE. LIFT THEM UP WHEN DISCOURAGED OR DISCONSOLATE. GUIDE THEM IN ALL THEIR DELIVERATIONS WITH THE STRONG HAND OF REASON AND CONCERN. AND CALL ALL OF US TO THE ACHIEVEMENT OF OUR VERY BEST. THROUGH JESUS, WHO SHOWED US WHAT TRUE AND LAUDABLE SERVICE TRULY IS. 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

January 26, 1979.

SENATE BILL NO. 2142, changing the penalty for causing physical damage to animals (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2142 be substituted therefor, and that Substitute Senate Bill No. 2142 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 26, 1979.

SENATE BILL NO. 2179, assessing penalties to be used to fund law enforcement by the parks and recreation commission (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Woody.

Passed to Committee on Rules for second reading.

January 26, 1979.

SENATE BILL NO. 2180, limiting the application of nuisance laws to agricultural activities (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

January 26, 1979.

SENATE BILL NO. 2254, updating laws relating to agriculture (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2254 be substituted therefor, and that Substitute Senate Bill No. 2254 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

January 25, 1979.

SENATE JOINT RESOLUTION NO. 112, amending the Constitution to permit a legislator to hold a civil office the salary of which was increased so long as he does not receive the increase (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, January 26, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on January 26, 1979, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 2065, Urban Arterial Bonds.

Sincerely,  
H. B. Hanna  
Legislative Liaison.

#### MESSAGE FROM THE HOUSE

January 26, 1979.

Mr. President: The House has passed:

HOUSE BILL NO. 4,

HOUSE BILL NO. 25,

HOUSE BILL NO. 52,

SUBSTITUTE HOUSE BILL NO. 78,

HOUSE BILL NO. 126, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2490, by Senators Gaspard, Matson, Ridder and Walgren:

AN ACT Relating to public employment; amending section 1, chapter 208, Laws of 1957 and RCW 41.04.035; and amending section 2, chapter 208, Laws of 1957 as amended by section 16, chapter 106, Laws of 1973 and RCW 41.04.036.

Referred to Committee on State Government.

SENATE BILL NO. 2491, by Senators Day and Talmadge:

AN ACT Relating to health care services; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; creating new sections; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2492, by Senators Day, Marsh and Van Hollebeke:

AN ACT Relating to handicapped persons; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2493, by Senators Rasmussen, Newschwander and Matson (by Office of Financial Management request):

AN ACT Relating to revenue and taxation; amending section 84.48.080, chapter 15, Laws of 1961 as last amended by section 99, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.080; amending section 84.48.110, chapter 15, Laws of 1961 as amended by section 11, chapter 95, Laws of 1973 and RCW 84.48.110; amending section 84.48.120, chapter 15, Laws of 1961 as amended by section 206, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.48.120; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 2494, by Senator Bottiger:

AN ACT Relating to eminent domain; and amending section 80.32.060, chapter 14, Laws of 1961 and RCW 80.32.060.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2495, by Senator Bottiger:

AN ACT Relating to juvenile offenses; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 2496, by Senator Bottiger:

AN ACT Relating to juvenile offenses; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2497, by Senators Wilson, Gould, Wojahn, Matson and Day:

AN ACT Relating to state government; creating new sections; repealing sections 1 through 15, chapter 282, Laws of 1955 and RCW 19.18.010 through 19.18.900; repealing section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.210; repealing section 22, chapter 137, Laws of 1974 ex. sess., section 10, chapter 200, Laws of 1975 1st ex. sess., section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220; repealing section 23, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.230; repealing section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005; repealing section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010; repealing section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015; repealing section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020; repealing section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025; repealing section 43.74.030, chapter 8, Laws of 1965 and RCW 43.74.030; repealing section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035; repealing section 2, chapter 227, Laws of 1971 ex. sess. section 23, chapter 77, Laws of 1973 and RCW 43.74.037; repealing section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040; repealing section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050; repealing section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060; repealing section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065; repealing section 43.74.075,

chapter 8, Laws of 1965 and RCW 43.74.075; repealing section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080; repealing section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085; repealing section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; repealing section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900; repealing section 1, chapter 121, Laws of 1949 and RCW 19.04.010; repealing section 2, chapter 121, Laws of 1949 and RCW 19.04.020; repealing section 3, chapter 121, Laws of 1949 and RCW 19.04.030; repealing section 4, chapter 121, Laws of 1949 and RCW 19.04.040; repealing section 5, chapter 121, Laws of 1949 and RCW 19.04.050; repealing section 6, chapter 121, Laws of 1949 and RCW 19.04.060; repealing section 7, chapter 121, Laws of 1949 and RCW 19.04.070; repealing section 8, chapter 121, Laws of 1949 and RCW 19.04.080; repealing section 9, chapter 121, Laws of 1949 and RCW 19.04.090; repealing section 10, chapter 121, Laws of 1949 and RCW 19.04.100; repealing section 11, chapter 121, Laws of 1949 and RCW 19.04.110; repealing section 1, chapter 94, Laws of 1974 ex. sess., section 1, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.010; repealing section 2, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.020; repealing section 3, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.030; repealing section 4, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.040; repealing section 5, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.050; repealing section 6, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.060; repealing section 7, chapter 94, Laws of 1974 ex. sess., section 126, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.070; repealing section 3, chapter 17, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.080; repealing section 9, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.090; repealing section 10, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.100; repealing section 11, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.110; repealing section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120; repealing section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130; repealing section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.140; repealing section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150; repealing section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160; repealing section 17, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.170; repealing section 18, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.180; repealing section 19, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.190; repealing section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200; repealing section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210; repealing section 20, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.900; repealing section 22, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.910; repealing section 12, chapter 74, Laws of 1967, section 122, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.63A.120; repealing section 1, chapter 129, Laws of 1943 and RCW 19.08.010; repealing section 2, chapter 129, Laws of 1943 and RCW 19.08.020; repealing section 3, chapter 129, Laws of 1943 and RCW 19.08.030; repealing section 1, chapter 183, Laws of 1951 and RCW 18.45.010; repealing section 2, chapter 183, Laws of 1951 and RCW 18.45.020; repealing section 3, chapter 183, Laws of 1951 and RCW 18.45.030; repealing section 4, chapter 183, Laws of 1951 and RCW 18.45.040; repealing section 5, chapter 183, Laws of 1951 and RCW 18.45.050; repealing section 6, chapter 183, Laws of 1951 and RCW 18.45.060; repealing section 7, chapter 183, Laws of 1951 and RCW 18.45.070; repealing section 8, chapter 183, Laws of 1951 and RCW 18.45.080; repealing section 9, chapter 183, Laws of 1951 and RCW 18.45.090; repealing section 32, chapter 183, Laws of 1951 and RCW 18.45.100; repealing section 10, chapter 183, Laws of 1951 and RCW 18.45.110; repealing section 11, chapter 183, Laws of 1951 and RCW 18.45.120; repealing section 41, chapter 183, Laws of 1951,

section 4, chapter 189, Laws of 1971 ex. sess. and RCW 18.45.130; repealing section 42, chapter 183, Laws of 1951 and RCW 18.45.140; repealing section 43, chapter 183, Laws of 1951 and RCW 18.45.150; repealing section 44, chapter 183, Laws of 1951 and RCW 18.45.160; repealing section 12, chapter 183, Laws of 1951 and RCW 18.45.170; repealing section 13, chapter 183, Laws of 1951 and RCW 18.45.180; repealing section 14, chapter 183, Laws of 1951 and RCW 18.45.190; repealing section 15, chapter 183, Laws of 1951 and RCW 18.45.200; repealing section 16, chapter 183, Laws of 1951 and RCW 18.45.210; repealing section 17, chapter 183, Laws of 1951 and RCW 18.45.220; repealing section 19, chapter 183, Laws of 1951 and RCW 18.45.230; repealing section 20, chapter 183, Laws of 1951 and RCW 18.45.240; repealing section 21, chapter 183, Laws of 1951 and RCW 18.45.250; repealing section 22, chapter 183, Laws of 1951 and RCW 18.45.260; repealing section 23, chapter 183, Laws of 1951 and RCW 18.45.270; repealing section 24, chapter 183, Laws of 1951 and RCW 18.45.280; repealing section 36, chapter 183, Laws of 1951 and RCW 18.45.290; repealing section 25, chapter 183, Laws of 1951 and RCW 18.45.300; repealing section 26, chapter 183, Laws of 1951 and RCW 18.45.310; repealing section 27, chapter 183, Laws of 1951 and RCW 18.45.320; repealing section 28, chapter 183, Laws of 1951 and RCW 18.45.330; repealing section 29, chapter 183, Laws of 1951 and RCW 18.45.340; repealing section 35, chapter 183, Laws of 1951 and RCW 18.45.350; repealing section 30, chapter 183, Laws of 1951 and RCW 18.45.360; repealing section 39, chapter 183, Laws of 1951 and RCW 18.45.370; repealing section 31, chapter 183, Laws of 1951 and RCW 18.45.380; repealing section 37, chapter 183, Laws of 1951 and RCW 18.45.390; repealing section 40, chapter 183, Laws of 1951 and RCW 18.45.400; repealing section 18, chapter 183, Laws of 1951 and RCW 18.45.410; repealing section 33, chapter 183, Laws of 1951 and RCW 18.45.420; repealing section 34, chapter 183, Laws of 1951 and RCW 18.45.430; repealing section 46, chapter 183, Laws of 1951 and RCW 18.45.440; repealing section 47, chapter 183, Laws of 1951 and RCW 18.45.450; repealing section 48, chapter 183, Laws of 1951 and RCW 18.45.460; repealing section 49, chapter 183, Laws of 1951 and RCW 18.45.470; repealing section 38, chapter 183, Laws of 1951 and RCW 18.45.480; repealing section 45, chapter 183, Laws of 1951 and RCW 18.45.490; repealing section 50, chapter 183, Laws of 1951 and RCW 18.45.500; repealing section 51, chapter 183, Laws of 1951 and RCW 18.45.510; repealing section 55, chapter 183, Laws of 1951 and RCW 18.45.900; repealing section 2, chapter 56, Laws of 1909 and RCW 70.70.010; repealing section 1, chapter 56, Laws of 1909 and RCW 70.70.020; repealing section 3, chapter 56, Laws of 1909 and RCW 70.70.030; repealing section 4, chapter 56, Laws of 1909 and RCW 70.70.035; repealing section 5, chapter 56, Laws of 1909 and RCW 70.70.040; repealing section 1, chapter 184, Laws of 1933 and RCW 67.08.001; repealing section 2, chapter 184, Laws of 1933, section 1, chapter 305, Laws of 1959, section 153, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.003; repealing section 3, chapter 184, Laws of 1933 and RCW 67.08.005; repealing section 4, chapter 184, Laws of 1933, section 2, chapter 305, Laws of 1959 and RCW 67.08.007; repealing section 5, chapter 184, Laws of 1933 and RCW 67.08.009; repealing section 7, chapter 184, Laws of 1933, section 2, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.010; repealing section 2, chapter 9, Laws of 1977 and RCW 67.08.015; repealing section 9, chapter 184, Laws of 1933 and RCW 67.08.030; repealing section 10, chapter 184, Laws of 1933, section 4, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.040; repealing section 11, chapter 184, Laws of 1933 and RCW 67.08.050; repealing section 5, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.055; repealing section 12, chapter 184, Laws of 1933, section 4, chapter 305, Laws of 1959, section 154, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.060; repealing section 14, chapter 184, Laws of 1933, section 5, chapter

305, Laws of 1959, section 1, chapter 45, Laws of 1974 ex. sess. and RCW 67.08-.080; repealing section 15, chapter 184, Laws of 1933 and RCW 67.08.090; repealing section 16, chapter 184, Laws of 1933, section 6, chapter 305, Laws of 1959 and RCW 67.08.100; repealing section 17, chapter 184, Laws of 1933 and RCW 67.08-.110; repealing section 18, chapter 184, Laws of 1933 and RCW 67.08.120; repealing section 19, chapter 184, Laws of 1933 and RCW 67.08.130; repealing section 22, chapter 184, Laws of 1933, section 1, chapter 48, Laws of 1951, section 7, chapter 305, Laws of 1959 and RCW 67.08.140; repealing section 24, chapter 184, Laws of 1933 and RCW 67.08.150; repealing section 25, chapter 184, Laws of 1933 and RCW 67.08.900; repealing section 1, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.010; repealing section 2, chapter 178, Laws of 1973 1st ex. sess., section 1, chapter 26, Laws of 1975 1st ex. sess. and RCW 43.126.020; repealing section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030; repealing section 4, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.040; repealing section 5, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.050; repealing section 6, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.060; repealing section 7, chapter 178, Laws of 1973 1st ex. sess., section 133, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.126.070; repealing section 8, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.080; repealing section 1, chapter 108, Laws of 1937, section 1, chapter 107, Laws of 1965 ex. sess., section 1, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.010; repealing section 2, chapter 108, Laws of 1937 and RCW 18.39.020; repealing section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030; repealing section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040; repealing section 6, chapter 108, Laws of 1937, section 8, chapter 266, Laws of 1971 ex. sess., section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.050; repealing section 5, chapter 108, Laws of 1937, section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070; repealing section 3, chapter 52, Laws of 1955 and RCW 18.39.080; repealing section 7, chapter 108, Laws of 1937 and RCW 18.39.100; repealing section 10, chapter 108, Laws of 1937, section 43, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.120; repealing section 15, chapter 108, Laws of 1937, section 44, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.130; repealing section 3, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.145; repealing section 4, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.148; repealing section 8, chapter 108, Laws of 1937, section 45, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39-.150; repealing section 12, chapter 108, Laws of 1937 and RCW 18.39.160; repealing section 16, chapter 108, Laws of 1937 and RCW 18.39.170; repealing section 8, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.173; repealing section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175; repealing section 12, chapter 93, Laws of 1977 ex. sess. (uncodified); repealing section 10, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.177; repealing section 11, chapter 108, Laws of 1937, section 2, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.180; repealing section 5, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.181; repealing section 9, chapter 108, Laws of 1937 and RCW 18.39.190; repealing section 15, chapter 215, Laws of 1909 and RCW 18.39.210; repealing section 13, chapter 108, Laws of 1937 and RCW 18.39.220; repealing section 6, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.223; repealing section 7, chapter 93, Laws of 1977 ex. sess. and RCW 18.39-.225; repealing section 17, chapter 108, Laws of 1937 and RCW 18.39.230; repealing section 18, chapter 108, Laws of 1937 and RCW 18.39.900; repealing section 1, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.010; repealing section 2, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.020; repealing section 3, chapter 83,

Laws of 1977 ex. sess. and RCW 50.48.030; repealing section 4, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.040; repealing section 5, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.050; repealing section 6, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.060; repealing section 7, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.070; repealing section 8, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.080; repealing section 9, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.090; repealing section 10, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.100; repealing section 11, chapter 83, Laws of 1977 ex. sess. and RCW 50.48.900; repealing section 1, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19361; repealing section 2, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19362; repealing section 3, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19363; repealing section 9, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19364; repealing section 11, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19365; repealing section 1, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.010; repealing section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020; repealing section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; repealing section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.040; repealing section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; repealing section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; repealing section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; repealing section 28B.10.200, chapter 223, Laws of 1969 ex. sess., section 1, chapter 62, Laws of 1973 and RCW 28B.10.200; repealing section 1, chapter 200, Laws of 1959 and RCW 18.90.010; repealing section 2, chapter 200, Laws of 1959, section 5, chapter 188, Laws of 1967, section 52, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.90.020; repealing section 3, chapter 200, Laws of 1959 and RCW 18.90.030; repealing section 4, chapter 200, Laws of 1959, section 19, chapter 266, Laws of 1971 ex. sess., section 80, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.040; repealing section 5, chapter 200, Laws of 1959, section 81, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.90.050; repealing section 6, chapter 200, Laws of 1959 and RCW 18.90.060; repealing section 7, chapter 200, Laws of 1959 and RCW 18.90.070; repealing section 8, chapter 200, Laws of 1959 and RCW 18.90.900; repealing section 11, chapter 5, Laws of 1965, section 2, chapter 62, Laws of 1967 ex. sess., section 1, chapter 60, Laws of 1971, section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; repealing section 12, chapter 5, Laws of 1965 and RCW 43.99.120; repealing section 4, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.122; repealing section 5, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.124; repealing section 6, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.126; repealing section 13, chapter 5, Laws of 1965, section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130; repealing section 7, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.070; repealing section 1, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.010; repealing section 2, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.020; repealing section 3, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.030; repealing section 4, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.040; repealing section 5, chapter 76, Laws of 1970 ex. sess., section 1, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.050; repealing section 6, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.060; repealing section 7, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.070; repealing section 8, chapter 76, Laws of 1970 ex. sess., section 2, chapter 47, Laws of 1971 ex. sess., section 1, chapter 153, Laws of 1972 ex. sess., section 21, chapter 220, Laws of 1977 ex. sess. and RCW 67.32.080; repealing section 9, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.090; repealing section 10, chapter 76, Laws of 1970 ex. sess., section 3, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.100; repealing section 11, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.110; repealing section 12, chapter 76, Laws of 1970 ex. sess. and RCW

67.32.120; repealing section 4, chapter 47, Laws of 1971 ex. sess. and RCW 67.32-.130; repealing section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.140; repealing section 26, chapter 290, Laws of 1953 and RCW 68.05.010; repealing section 27, chapter 290, Laws of 1953 and RCW 68.05.020; repealing section 28, chapter 290, Laws of 1953 and RCW 68.05.030; repealing section 31, chapter 290, Laws of 1953, section 1, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.040; repealing section 32, chapter 290, Laws of 1953, section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050; repealing section 33, chapter 290, Laws of 1953, section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060; repealing section 34, chapter 290, Laws of 1953 and RCW 68.05.070; repealing section 35, chapter 290, Laws of 1953 and RCW 68.05.080; repealing section 39, chapter 290, Laws of 1953 and RCW 68.05.090; repealing section 36, chapter 290, Laws of 1953 and RCW 68.05.100; repealing section 37, chapter 290, Laws of 1953 and RCW 68.05.110; repealing section 38, chapter 290, Laws of 1953 and RCW 68.05.120; repealing section 42, chapter 290, Laws of 1953, section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130; repealing section 43, chapter 290, Laws of 1953, section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05-.140; repealing section 44, chapter 290, Laws of 1953, section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150; repealing section 45, chapter 290, Laws of 1953, section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160; repealing section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170; repealing section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess., section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180; repealing section 41, chapter 290, Laws of 1953 and RCW 68.05.190; repealing section 47, chapter 290, Laws of 1953 and RCW 68.05-.200; repealing section 48, chapter 290, Laws of 1953, section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210; repealing section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220; repealing section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess., section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230; repealing section 52, chapter 290, Laws of 1953 and RCW 68.05.240; repealing section 49, chapter 290, Laws of 1953 and RCW 68.05.250; repealing section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255; repealing section 53, chapter 290, Laws of 1953 and RCW 68.05.260; repealing section 29, chapter 290, Laws of 1953 and RCW 68.05.270; repealing section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05-.280; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; repealing section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; repealing section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; repealing section 4, chapter 74, Laws of 1967, section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; repealing section 5, chapter 74, Laws of 1967 and RCW 43.63A.050; repealing section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; repealing section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess. and RCW 43.63A-.070; repealing section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080; repealing section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977 and RCW 43.63A.085; repealing section 9, chapter 74, Laws of 1967 and RCW 43.63A.090; repealing section 10, chapter 74, Laws of 1967 and RCW 43.63A.100; repealing section 11, chapter 74, Laws of 1967 and RCW 43.63A.110; repealing section 13, chapter 74, Laws of 1967 and RCW 43.63A.130; repealing section 14, chapter 74, Laws of 1967 and RCW 43.63A.140; repealing section 16, chapter 74, Laws of 1967 and RCW 43.63A.900; repealing section 1, chapter 44, Laws of 1941, section 1, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.010; repealing section 2, chapter 44, Laws of 1941, section 2, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.030; repealing section 4, chapter

44, Laws of 1941 and RCW 27.36.040; repealing section 5, chapter 44, Laws of 1941, section 3, chapter 62, Laws of 1965 ex. sess., section 16, chapter 75, Laws of 1977 and RCW 27.36.050; repealing section 4, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.060; repealing section 5, chapter 62, Laws of 1965 ex. sess. and RCW 27.36.070; repealing section 2, chapter 30, Laws of 1899 and RCW 27.40.020; repealing section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030; repealing section 1, chapter 187, Laws of 1925 ex. sess., section 1, chapter 35, Laws of 1973, section 15, chapter 75, Laws of 1977, section 3, chapter 81, Laws of 1977 ex. sess. and RCW 27.32.010; repealing section 2, chapter 187, Laws of 1925 ex. sess., section 2, chapter 35, Laws of 1973 and RCW 27.32.020; repealing section 3, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.030; repealing section 3, chapter 160, Laws of 1949, section 3, chapter 47, Laws of 1957 and RCW 27.48.030; repealing section 1, chapter 177, Laws of 1903, section 14, chapter 75, Laws of 1977, section 2, chapter 81, Laws of 1977 ex. sess. and RCW 27.28.010; repealing section 2, chapter 177, Laws of 1903 and RCW 27.28.020; repealing section 1, chapter 31, Laws of 1965 and RCW 27.28.021; repealing section 2, chapter 31, Laws of 1965 and RCW 27.28.022; repealing section 3, chapter 177, Laws of 1903 and RCW 27.28.030; repealing section 1, chapter 64, Laws of 1915 and RCW 27.28.040; repealing section 1, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.010; repealing section 2, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.020; repealing section 3, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.030; repealing section 17, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.040; repealing section 18, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.050; repealing section 4, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.060; repealing section 5, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.070; repealing section 6, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.080; repealing section 7, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.090; repealing section 8, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.100; repealing section 19, chapter 195, Laws of 1977 ex. sess. and RCW 43.51A.140; repealing section 1, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.010; repealing section 2, chapter 117, Laws of 1972 ex. sess., section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31A.020; repealing section 3, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.030; repealing section 4, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.040; repealing section 5, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.050; repealing section 6, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.060; repealing section 7, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.070; repealing section 8, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.080; repealing section 9, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.090; repealing section 10, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.100; repealing section 11, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.110; repealing section 12, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.120; repealing section 13, chapter 117, Laws of 1972 ex. sess., section 1, chapter 296, Laws of 1977 ex. sess. and RCW 43.31A.130; repealing section 14, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.140; repealing section 15, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.150; repealing section 16, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.160; repealing section 17, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.170; repealing section 18, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.180; repealing section 19, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.190; repealing section 20, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.200; repealing section 21, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.210; repealing section 22, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.220; repealing section 23, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.230; repealing section 24, chapter 117, Laws of 1972 ex. sess. and

RCW 43.31A.240; repealing section 25, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.250; repealing section 26, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.260; repealing section 27, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.270; repealing section 28, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.280; repealing section 29, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.290; repealing section 30, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.300; repealing section 31, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.310; repealing section 32, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.320; repealing section 33, chapter 117, Laws of 1972 ex. sess., section 55, chapter 75, Laws of 1977 and RCW 43.31A.330; repealing section 34, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.900; repealing section 35, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.910; repealing section 37, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.920; repealing section 1, chapter 238, Laws of 1967, section 1, chapter 168, Laws of 1969 ex. sess. section 1, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.011; repealing section 3, chapter 232, Laws of 1957, section 2, chapter 238, Laws of 1967, section 1, chapter 61, Laws of 1967 ex. sess., section 2, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.030; repealing section 4, chapter 232, Laws of 1957, section 3, chapter 238, Laws of 1967 and RCW 70.94.040; repealing section 1, chapter 38, Laws of 1977 ex. sess. and RCW 70.94.041; repealing section 4, chapter 238, Laws of 1967 and RCW 70.94.053; repealing section 5, chapter 238, Laws of 1967 and RCW 70.94.055; repealing section 6, chapter 238, Laws of 1967 and RCW 70.94.057; repealing section 11, chapter 238, Laws of 1967, section 3, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.068; repealing section 12, chapter 238, Laws of 1967, section 4, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.069; repealing section 7, chapter 232, Laws of 1957, section 13, chapter 238, Laws of 1967, section 5, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.070; repealing section 14, chapter 238, Laws of 1967, section 6, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.081; repealing section 15, chapter 238, Laws of 1967, section 7, chapter 168, Laws of 1969 ex. sess., section 84, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.94.091; repealing section 16, chapter 238, Laws of 1967, section 8, chapter 168, Laws of 1969 ex. sess., section 1, chapter 106, Laws of 1975 1st ex. sess. and RCW 70.94.092; repealing section 17, chapter 238, Laws of 1967, section 9, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.093; repealing section 18, chapter 238, Laws of 1967, section 10, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.094; repealing section 19, chapter 238, Laws of 1967, section 11, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.095; repealing section 20, chapter 238, Laws of 1967, section 12, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.096; repealing section 2, chapter 106, Laws of 1975 1st ex. sess. and RCW 70.94.097; repealing section 10, chapter 232, Laws of 1957, section 21, chapter 238, Laws of 1967, section 13, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.100; repealing section 11, chapter 232, Laws of 1957, section 1, chapter 27, Laws of 1963, section 22, chapter 238, Laws of 1967 and RCW 70.94.110; repealing section 12, chapter 232, Laws of 1957, section 23, chapter 238, Laws of 1967, section 14, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.120; repealing section 13, chapter 232, Laws of 1957, section 24, chapter 238, Laws of 1967, section 15, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.130; repealing section 25, chapter 238, Laws of 1967, section 16, chapter 168, Laws of 1969 ex. sess., section 56, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.141; repealing section 26, chapter 238, Laws of 1967, section 17, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.142; repealing section 27, chapter 238, Laws of 1967, section 18, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.143; repealing section 28, chapter 238, Laws of 1967, section 19, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.151; repealing section 29, chapter 238, Laws of 1967, section 20, chapter 168, Laws of 1969 ex. sess., section 2, chapter 193, Laws of 1973

1st ex. sess. and RCW 70.94.152; repealing section 3, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.155; repealing section 17, chapter 232, Laws of 1957, section 30, chapter 238, Laws of 1967, section 21, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.170; repealing section 31, chapter 238, Laws of 1967, section 22, chapter 168, Laws of 1969 ex. sess., section 1, chapter 59, Laws of 1974 ex. sess. and RCW 70.94.181; repealing section 20, chapter 232, Laws of 1957, section 32, chapter 238, Laws of 1967 and RCW 70.94.200; repealing section 33, chapter 238, Laws of 1967, section 23, chapter 168, Laws of 1969 ex. sess., section 4, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.205; repealing section 34, chapter 238, Laws of 1967, section 24, chapter 168, Laws of 1969 ex. sess., section 57, chapter 62, Laws of 1970 ex. sess., section 4, chapter 69, Laws of 1974 ex. sess. and RCW 70.94.211; repealing section 35, chapter 238, Laws of 1967, section 25, chapter 168, Laws of 1969 ex. sess., section 58, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.221; repealing section 36, chapter 238, Laws of 1967, section 26, chapter 168, Laws of 1969 ex. sess., section 2, chapter 41, Laws of 1970 ex. sess., section 59, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.222; repealing section 37, chapter 238, Laws of 1967, section 27, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.223; repealing section 23, chapter 232, Laws of 1957, section 38, chapter 238, Laws of 1967, section 28, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.230; repealing section 39, chapter 238, Laws of 1967, section 29, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.231; repealing section 40, chapter 238, Laws of 1967 and RCW 70.94.232; repealing section 24, chapter 232, Laws of 1957, section 41, chapter 238, Laws of 1967, section 30, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.240; repealing section 26, chapter 232, Laws of 1957, section 43, chapter 238, Laws of 1967, section 31, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.260; repealing section 46, chapter 238, Laws of 1967, section 34, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.331; repealing section 47, chapter 238, Laws of 1967 and RCW 70.94.332; repealing section 48, chapter 238, Laws of 1967 and RCW 70.94.333; repealing section 49, chapter 238, Laws of 1967, section 35, chapter 168, Laws of 1969 ex. sess., section 5, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.334; repealing section 6, chapter 188, Laws of 1961, section 45, chapter 238, Laws of 1967 and RCW 70.94.350; repealing section 8, chapter 188, Laws of 1961, section 59, chapter 238, Laws of 1967 and RCW 70.94.370; repealing section 50, chapter 238, Laws of 1967, section 36, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.380; repealing section 51, chapter 238, Laws of 1967, section 37, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.385; repealing section 52, chapter 238, Laws of 1967, section 38, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.390; repealing section 53, chapter 238, Laws of 1967, section 39, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.395; repealing section 54, chapter 238, Laws of 1967, section 40, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.400; repealing section 55, chapter 238, Laws of 1967, section 41, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.405; repealing section 56, chapter 238, Laws of 1967, section 42, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.410; repealing section 58, chapter 238, Laws of 1967, section 44, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.420; repealing section 60, chapter 238, Laws of 1967 and RCW 70.94.425; repealing section 61, chapter 238, Laws of 1967, section 1, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.430; repealing section 53, chapter 168, Laws of 1969 ex. sess., section 2, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.431; repealing section 62, chapter 238, Laws of 1967 and RCW 70.94.435; repealing section 63, chapter 238, Laws of 1967 and RCW 70.94.440; repealing section 45, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.510; repealing section 52, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.600; repealing section 1, chapter 232, Laws of 1971 ex. sess. and RCW 70.94.650; repealing section 6, chapter 193, Laws of 1973 1st ex. sess. and RCW

70.94.654; repealing section 7, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.656; repealing section 2, chapter 232, Laws of 1971 ex. sess. and RCW 70.94.660; repealing section 3, chapter 232, Laws of 1971 ex. sess. and RCW 70.94.670; repealing section 4, chapter 232, Laws of 1971 ex. sess. and RCW 70.94.680; repealing section 5, chapter 232, Laws of 1971 ex. sess. and RCW 70.94.690; repealing section 6, chapter 232, Laws of 1971 ex. sess. and RCW 70.94.700; repealing section 1, chapter 194, Laws of 1971 ex. sess. and RCW 70.94.710; repealing section 2, chapter 194, Laws of 1971 ex. sess. and RCW 70.94.715; repealing section 3, chapter 194, Laws of 1971 ex. sess. and RCW 70.94.720; repealing section 4, chapter 194, Laws of 1971 ex. sess. and RCW 70.94.725; repealing section 5, chapter 194, Laws of 1971 ex. sess. and RCW 70.94.730; repealing section 1, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.740; repealing section 2, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.745; repealing section 3, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.750; repealing section 4, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.755; repealing section 5, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.760; repealing section 6, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.765; repealing section 8, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.770; repealing section 9, chapter 193, Laws of 1973 1st ex. sess., section 1, chapter 11, Laws of 1973 2nd ex. sess., section 1, chapter 164, Laws of 1974 ex. sess. and RCW 70.94.775; repealing section 10, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.780; repealing section 11, chapter 193, Laws of 1973 1st ex. sess. and RCW 70.94.785; repealing section 65, chapter 238, Laws of 1967 and RCW 70.94.901; repealing section 46, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.902; repealing section 64, chapter 238, Laws of 1967 and RCW 70.94.911; repealing section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010; repealing section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020; repealing section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex. sess., section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030; repealing section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040; repealing section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969 and RCW 28A.61.050; repealing section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060; repealing section 30.04.010, chapter 33, Laws of 1955, section 1, chapter 106, Laws of 1959 and RCW 30.04.010; repealing section 30.04.020, chapter 33, Laws of 1955 and RCW 30.04.020; repealing section 30.04.030, chapter 33, Laws of 1955 and RCW 30.04.030; repealing section 30.04.040, chapter 33, Laws of 1955, section 79, chapter 81, Laws of 1971 and RCW 30.04.040; repealing section 30.04.050, chapter 33, Laws of 1955 and RCW 30.04.050; repealing section 30.04.060, chapter 33, Laws of 1955 and RCW 30.04.060; repealing section 30.04.070, chapter 33, Laws of 1955 and RCW 30.04.070; repealing section 1, chapter 245, Laws of 1977 ex. sess. and RCW 30.04.075; repealing section 30.04.090, chapter 33, Laws of 1955, section 1, chapter 356, Laws of 1955, section 2, chapter 106, Laws of 1959, section 1, chapter 194, Laws of 1963, section 1, chapter 133, Laws of 1967, section 1, chapter 54, Laws of 1967 ex. sess. and RCW 30.04.090; repealing section 30.04.100, chapter 33, Laws of 1955 and RCW 30.04.100; repealing section 30.04.110, chapter 33, Laws of 1955, section 1, chapter 136, Laws of 1969 and RCW 30.04.110; repealing section 30.04.120, chapter 33, Laws of 1955, section 1, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.120; repealing section 1, chapter 302, Laws of 1955 and RCW 30.04.122; repealing section 2, chapter 302, Laws of 1955 and RCW 30.04.124; repealing section 1, chapter 185, Laws of 1959 and RCW 30.04.126; repealing section 2, chapter 194, Laws of 1963 and RCW 30.04.128; repealing section 30.04.130, chapter 33, Laws of 1955 and RCW 30.04.130; repealing section 30.04.140, chapter 33, Laws of 1955, section 2, chapter 133, Laws

of 1967 and RCW 30.04.140; repealing section 30.04.150, chapter 33, Laws of 1955 and RCW 30.04.150; repealing section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160; repealing section 30.04.170, chapter 33, Laws of 1955 and RCW 30.04.170; repealing section 30.04.180, chapter 33, Laws of 1955, section 2, chapter 136, Laws of 1969 and RCW 30.04.180; repealing section 30.04.190, chapter 33, Laws of 1955 and RCW 30.04.190; repealing section 30.04.200, chapter 33, Laws of 1955 and RCW 30.04.200; repealing section 30.04.210, chapter 33, Laws of 1955, section 2, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.210; repealing section 7, chapter 136, Laws of 1969 and RCW 30.04.215; repealing section 30.04.220, chapter 33, Laws of 1955 and RCW 30.04.220; repealing section 30.04.230, chapter 33, Laws of 1955, section 1, chapter 69, Laws of 1961, section 1, chapter 92, Laws of 1973 1st ex. sess. and RCW 30.04.230; repealing section 30.04.240, chapter 33, Laws of 1955, section 1, chapter 99, Laws of 1973 and RCW 30.04.240; repealing section 30.04.250, chapter 33, Laws of 1955 and RCW 30.04.250; repealing section 30.04.260, chapter 33, Laws of 1955, section 43, chapter 117, Laws of 1974 ex. sess. and RCW 30.04.260; repealing section 30.04.270, chapter 33, Laws of 1955 and RCW 30.04.270; repealing section 30.04.280, chapter 33, Laws of 1955 and RCW 30.04.280; repealing section 30.04.290, chapter 33, Laws of 1955, section 1, chapter 20, Laws of 1961, section 36, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.04.290; repealing section 30.04.300, chapter 33, Laws of 1955 and RCW 30.04.300; repealing section 30.04.310, chapter 33, Laws of 1955 and RCW 30.04.310; repealing section 30.04.330, chapter 33, Laws of 1955 and RCW 30.04.330; repealing section 2, chapter 356, Laws of 1955 and RCW 30.04.340; repealing section 3, chapter 356, Laws of 1955 and RCW 30.04.350; repealing section 4, chapter 356, Laws of 1955 and RCW 30.04.360; repealing section 2, chapter 54, Laws of 1967 ex. sess. and RCW 30.04.370; repealing section 9, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.380; repealing section 10, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.390; repealing section 1, chapter 246, Laws of 1977 ex. sess. and RCW 30.04.400; repealing section 2, chapter 246, Laws of 1977 ex. sess. and RCW 30.04.405; repealing section 3, chapter 246, Laws of 1977 ex. sess. and RCW 30.04.410; repealing section 1, chapter 178, Laws of 1977 ex. sess. and RCW 30.04.450; repealing section 2, chapter 178, Laws of 1977 ex. sess. and RCW 30.04.455; repealing section 3, chapter 178, Laws of 1977 ex. sess. and RCW 30.04.460; repealing section 4, chapter 178, Laws of 1977 ex. sess. and RCW 30.04.465; repealing section 8, chapter 178, Laws of 1977 ex. sess. and RCW 30.04.470; repealing section 9, chapter 178, Laws of 1977 ex. sess. and RCW 30.04.475; repealing section 10, chapter 301, Laws of 1977 ex. sess. and RCW 30.04.500; repealing section 11, chapter 301, Laws of 1977 ex. sess. and RCW 30.04.505; repealing section 12, chapter 301, Laws of 1977 ex. sess. and RCW 30.04.510; repealing section 13, chapter 301, Laws of 1977 ex. sess. and RCW 30.04.515; repealing section 30.08.010, chapter 33, Laws of 1955, section 3, chapter 136, Laws of 1969, section 3, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.010; repealing section 30.08.020, chapter 33, Laws of 1955, section 1, chapter 248, Laws of 1957, section 1, chapter 118, Laws of 1959, section 4, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.020; repealing section 30.08.030, chapter 33, Laws of 1955, section 5, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.030; repealing section 30.08.040, chapter 33, Laws of 1955, section 6, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.040; repealing section 30.08.050, chapter 33, Laws of 1955, section 2, chapter 248, Laws of 1957 and RCW 30.08.050; repealing section 30.08.060, chapter 33, Laws of 1955, section 7, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.060; repealing section 30.08.070, chapter 33, Laws of 1955 and RCW 30.08.070; repealing section 30.08.080, chapter 33, Laws of 1955, section 1, chapter 280, Laws of 1961 and RCW 30.08.080; repealing section 1, chapter 140, Laws of 1965 and RCW 30.08.087; repealing section 2,

chapter 140, Laws of 1965 and RCW 30.08.088; repealing section 30.08.090, chapter 33, Laws of 1955, section 3, chapter 140, Laws of 1965 and RCW 30.08.090; repealing section 30.08.095, chapter 33, Laws of 1955, section 4, chapter 136, Laws of 1969, section 8, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.095; repealing section 30.08.110, chapter 33, Laws of 1955 and RCW 30.08.110; repealing section 30.08.120, chapter 33, Laws of 1955 and RCW 30.08.120; repealing section 30.08.140, chapter 33, Laws of 1955, section 3, chapter 248, Laws of 1957 and RCW 30.08.140; repealing section 30.08.150, chapter 33, Laws of 1955, section 48, chapter 154, Laws of 1973 1st ex. sess. and RCW 30.08.150; repealing section 30.08.160, chapter 33, Laws of 1955 and RCW 30.08.160; repealing section 30.08.170, chapter 33, Laws of 1955 and RCW 30.08.170; repealing section 30.08.180, chapter 33, Laws of 1955 and RCW 30.08.180; repealing section 30.08.190, chapter 33, Laws of 1955, section 1, chapter 38, Laws of 1977 and RCW 30.08.190; repealing section 30.12.010, chapter 33, Laws of 1955, section 1, chapter 190, Laws of 1957, section 8, chapter 136, Laws of 1969, section 1, chapter 35, Laws of 1975 and RCW 30.12.010; repealing section 30.12.020, chapter 33, Laws of 1955, section 9, chapter 136, Laws of 1969 and RCW 30.12.020; repealing section 30.12.030, chapter 33, Laws of 1955 and RCW 30.12.030; repealing section 30.12.040, chapter 33, Laws of 1955, section 5, chapter 178, Laws of 1977 ex. sess. and RCW 30.12.040; repealing section 6, chapter 178, Laws of 1977 ex. sess. and RCW 30.12.042; repealing section 7, chapter 178, Laws of 1977 ex. sess. and RCW 30.12.044; repealing section 10, chapter 178, Laws of 1977 ex. sess. and RCW 30.12.047; repealing section 30.12.050, chapter 33, Laws of 1955 and RCW 30.12.050; repealing section 30.12.060, chapter 33, Laws of 1955, section 1, chapter 165, Laws of 1959, section 5, chapter 136, Laws of 1969 and RCW 30.12.060; repealing section 30.12.070, chapter 33, Laws of 1955 and RCW 30.12.070; repealing section 30.12.080, chapter 33, Laws of 1955, section 3, chapter 106, Laws of 1959, section 5, chapter 140, Laws of 1965 and RCW 30.12.080; repealing section 30.12.090, chapter 33, Laws of 1955 and RCW 30.12.090; repealing section 30.12.100, chapter 33, Laws of 1955 and RCW 30.12.100; repealing section 30.12.110, chapter 33, Laws of 1955 and RCW 30.12.110; repealing section 30.12.120, chapter 33, Laws of 1955 and RCW 30.12.120; repealing section 30.12.130, chapter 33, Laws of 1955 and RCW 30.12.130; repealing section 30.12.140, chapter 33, Laws of 1955 and RCW 30.12.140; repealing section 30.12.150, chapter 33, Laws of 1955 and RCW 30.12.150; repealing section 30.12.160, chapter 33, Laws of 1955 and RCW 30.12.160; repealing section 30.12.170, chapter 33, Laws of 1955 and RCW 30.12.170; repealing section 30.12.180, chapter 33, Laws of 1955 and RCW 30.12.180; repealing section 30.12.190, chapter 33, Laws of 1955 and RCW 30.12.190; repealing section 30.12.200, chapter 33, Laws of 1955, section 1, chapter 296, Laws of 1955 and RCW 30.12.200; repealing section 4, chapter 140, Laws of 1965 and RCW 30.12.210; repealing section 30.16.010, chapter 33, Laws of 1955 and RCW 30.16.010; repealing section 30.20.010, chapter 33, Laws of 1955 and RCW 30.20.010; repealing section 30.20.015, chapter 33, Laws of 1955, section 6, chapter 280, Laws of 1961, section 5, chapter 133, Laws of 1967 and RCW 30.20.015; repealing section 30.20.020, chapter 33, Laws of 1955, section 2, chapter 280, Laws of 1961, section 39, chapter 117, Laws of 1974 ex. sess., section 28, chapter 234, Laws of 1977 ex. sess. and RCW 30.20.020; repealing section 30.20.030, chapter 33, Laws of 1955, section 49, chapter 154, Laws of 1973 1st ex. sess. and RCW 30.20.030; repealing section 1, chapter 347, Laws of 1955 and RCW 30.20.035; repealing section 30.20.060, chapter 33, Laws of 1955, section 5, chapter 106, Laws of 1959, section 3, chapter 280, Laws of 1961 and RCW 30.20.060; repealing section 30.20.070, chapter 33, Laws of 1955 and RCW 30.20.070; repealing section 30.20.080, chapter 33, Laws of 1955 and RCW 30.20.080; repealing section 4, chapter 280, Laws of 1961 and RCW 30.20.090; repealing section 5, chapter 280, Laws of 1961, section 19,

chapter 278, Laws of 1975 1st ex. sess. and RCW 30.20.100; repealing section 30.24.010, chapter 33, Laws of 1955 and RCW 30.24.010; repealing section 30.24.015, chapter 33, Laws of 1955 and RCW 30.24.015; repealing section 30.24.020, chapter 33, Laws of 1955 and RCW 30.24.020; repealing section 30.24.030, chapter 33, Laws of 1955, section 3, chapter 133, Laws of 1967 and RCW 30.24.030; repealing section 30.24.035, chapter 33, Laws of 1955 and RCW 30.24.035; repealing section 4, chapter 133, Laws of 1967 and RCW 30.24.037; repealing section 30.24.040, chapter 33, Laws of 1955 and RCW 30.24.040; repealing section 30.24.050, chapter 33, Laws of 1955 and RCW 30.24.050; repealing section 30.24.060, chapter 33, Laws of 1955, section 1, chapter 209, Laws of 1967 and RCW 30.24.060; repealing section 30.24.070, chapter 33, Laws of 1955 and RCW 30.24.070; repealing section 30.24.080, chapter 33, Laws of 1955 and RCW 30.24.080; repealing section 30.24.090, chapter 33, Laws of 1955 and RCW 30.24.090; repealing section 1, chapter 89, Laws of 1973 1st ex. sess. and RCW 30.24.120; repealing section 2, chapter 89, Laws of 1973 1st ex. sess. and RCW 30.24.130; repealing section 30.28.010, chapter 33, Laws of 1955 and RCW 30.28.010; repealing section 30.28.020, chapter 33, Laws of 1955 and RCW 30.28.020; repealing section 30.28.030, chapter 33, Laws of 1955 and RCW 30.28.030; repealing section 30.28.040, chapter 33, Laws of 1955 and RCW 30.28.040; repealing section 30.28.050, chapter 33, Laws of 1955 and RCW 30.28.050; repealing section 30.30.010, chapter 33, Laws of 1955 and RCW 30.30.010; repealing section 30.30.020, chapter 33, Laws of 1955 and RCW 30.30.020; repealing section 30.30.030, chapter 33, Laws of 1955 and RCW 30.30.030; repealing section 30.30.040, chapter 33, Laws of 1955 and RCW 30.30.040; repealing section 30.30.050, chapter 33, Laws of 1955 and RCW 30.30.050; repealing section 30.30.060, chapter 33, Laws of 1955, section 31, chapter 80, Laws of 1977 ex. sess. and RCW 30.30.060; repealing section 30.30.070, chapter 33, Laws of 1955 and RCW 30.30.070; repealing section 30.30.080, chapter 33, Laws of 1955 and RCW 30.30.080; repealing section 30.30.090, chapter 33, Laws of 1955, section 80, chapter 81, Laws of 1971 and RCW 30.30.090; repealing section 30.30.100, chapter 33, Laws of 1955 and RCW 30.30.100; repealing section 30.30.110, chapter 33, Laws of 1955 and RCW 30.30.110; repealing section 30.30.120, chapter 33, Laws of 1955 and RCW 30.30.120; repealing section 30.32.010, chapter 33, Laws of 1955 and RCW 30.32.010; repealing section 30.32.020, chapter 33, Laws of 1955 and RCW 30.32.020; repealing section 30.32.030, chapter 33, Laws of 1955 and RCW 30.32.030; repealing section 30.32.040, chapter 33, Laws of 1955 and RCW 30.32.040; repealing section 30.36.010, chapter 33, Laws of 1955 and RCW 30.36.010; repealing section 30.36.020, chapter 33, Laws of 1955 and RCW 30.36.020; repealing section 30.36.030, chapter 33, Laws of 1955 and RCW 30.36.030; repealing section 30.36.040, chapter 33, Laws of 1955 and RCW 30.36.040; repealing section 30.36.050, chapter 33, Laws of 1955 and RCW 30.36.050; repealing section 30.40.020, chapter 33, Laws of 1955, section 6, chapter 136, Laws of 1969, section 35, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.40.020; repealing section 1, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.010; repealing section 2, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.020; repealing section 3, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.030; repealing section 4, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.040; repealing section 5, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.050; repealing section 6, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.060; repealing section 7, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.070; repealing section 8, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.080; repealing section 9, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.090; repealing section 10, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.100; repealing section 11, chapter 53, Laws of 1973 1st ex. sess., section 1, chapter 285, Laws of 1975 1st ex. sess. and RCW 30.42.110; repealing section 12, chapter 53, Laws of 1973 1st ex.



Laws of 1955 and RCW 30.49.010; repealing section 30.49.020, chapter 33, Laws of 1955 and RCW 30.49.020; repealing section 30.49.030, chapter 33, Laws of 1955 and RCW 30.49.030; repealing section 30.49.040, chapter 33, Laws of 1955 and RCW 30.49.040; repealing section 30.49.050, chapter 33, Laws of 1955 and RCW 30.49.050; repealing section 30.49.060, chapter 33, Laws of 1955 and RCW 30.49.060; repealing section 30.49.070, chapter 33, Laws of 1955 and RCW 30.49.070; repealing section 30.49.080, chapter 33, Laws of 1955 and RCW 30.49.080; repealing section 30.49.090, chapter 33, Laws of 1955 and RCW 30.49.090; repealing section 30.49.100, chapter 33, Laws of 1955 and RCW 30.49.100; repealing section 30.49.110, chapter 33, Laws of 1955 and RCW 30.49.110; repealing section 30.49.120, chapter 33, Laws of 1955 and RCW 30.49.120; repealing section 30.49.130, chapter 33, Laws of 1955 and RCW 30.49.130; repealing section 30.56.010, chapter 33, Laws of 1955 and RCW 30.56.010; repealing section 30.56.020, chapter 33, Laws of 1955 and RCW 30.56.020; repealing section 30.56.030, chapter 33, Laws of 1955 and RCW 30.56.030; repealing section 30.56.040, chapter 33, Laws of 1955 and RCW 30.56.040; repealing section 30.56.050, chapter 33, Laws of 1955 and RCW 30.56.050; repealing section 30.56.060, chapter 33, Laws of 1955 and RCW 30.56.060; repealing section 30.56.070, chapter 33, Laws of 1955 and RCW 30.56.070; repealing section 30.56.080, chapter 33, Laws of 1955 and RCW 30.56.080; repealing section 30.56.090, chapter 33, Laws of 1955 and RCW 30.56.090; repealing section 30.56.100, chapter 33, Laws of 1955 and RCW 30.56.100; repealing section 30.98.010, chapter 33, Laws of 1955 and RCW 30.98.010; repealing section 30.98.020, chapter 33, Laws of 1955 and RCW 30.98.020; repealing section 30.98.030, chapter 33, Laws of 1955 and RCW 30.98.030; repealing section 30.98.040, chapter 33, Laws of 1955 and RCW 30.98.040; repealing section 30.98.060, chapter 33, Laws of 1955 and RCW 30.98.060; repealing section 1, chapter 124, Laws of 1959 and RCW 30.99.010; repealing section 2, chapter 124, Laws of 1959 and RCW 30.99.020; repealing section 3, chapter 124, Laws of 1959 and RCW 30.99.030; repealing section 4, chapter 124, Laws of 1959 and RCW 30.99.040; repealing section 5, chapter 124, Laws of 1959 and RCW 30.99.050; repealing section 6, chapter 124, Laws of 1959 and RCW 30.99.060; repealing section 7, chapter 124, Laws of 1959 and RCW 30.99.070; repealing section 8, chapter 124, Laws of 1959 and RCW 30.99.080; repealing section 9, chapter 124, Laws of 1959 and RCW 30.99.090; repealing section 10, chapter 124, Laws of 1959 and RCW 30.99.100; repealing section 11, chapter 124, Laws of 1959 and RCW 30.99.900; repealing section 12, chapter 124, Laws of 1959 and RCW 30.99.910; repealing section 1, chapter 208, Laws of 1941 and RCW 31.08.010; repealing section 2, chapter 208, Laws of 1941, section 1, chapter 212, Laws of 1959, section 1, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.020; repealing section 3, chapter 208, Laws of 1941, section 2, chapter 212, Laws of 1959, section 2, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.030; repealing section 4, chapter 208, Laws of 1941, section 3, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.050; repealing section 6, chapter 208, Laws of 1941, section 4, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.070; repealing section 7, chapter 208, Laws of 1941, section 5, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.080; repealing section 8, chapter 208, Laws of 1941, section 6, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.090; repealing section 9, chapter 208, Laws of 1941 and RCW 31.08.100; repealing section 10, chapter 208, Laws of 1941, section 3, chapter 212, Laws of 1959 and RCW 31.08.130; repealing section 11, chapter 208, Laws of 1941 and RCW 31.08.140; repealing section 12, chapter 208, Laws of 1941, section 4, chapter 212, Laws of 1959, section 7, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.150; repealing section 13, chapter 208, Laws of 1941, section 5, chapter 212, Laws of 1959, section 8, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.160; repealing section 14,

chapter 208, Laws of 1941, section 6, chapter 212, Laws of 1959 and RCW 31.08-.170; repealing section 10, chapter 212, Laws of 1959, section 9, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.173; repealing section 11, chapter 212, Laws of 1959, section 1, chapter 266, Laws of 1975 1st ex. sess. and RCW 31.08.175; repealing section 15, chapter 208, Laws of 1941, section 7, chapter 212, Laws of 1959, section 10, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.180; repealing section 16, chapter 208, Laws of 1941, section 8, chapter 212, Laws of 1959, section 11, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.190; repealing section 17, chapter 208, Laws of 1941, section 9, chapter 212, Laws of 1959, section 1, chapter 180, Laws of 1967, section 12, chapter 150, Laws of 1977 ex. sess. and RCW 31.08.200; repealing section 18, chapter 208, Laws of 1941 and RCW 31.08.210; repealing section 19, chapter 208, Laws of 1941, section 1, chapter 37, Laws of 1971 ex. sess. and RCW 31.08.220; repealing section 20, chapter 208, Laws of 1941 and RCW 31.08.230; repealing section 21, chapter 208, Laws of 1941 and RCW 31.08-.240; repealing section 22, chapter 208, Laws of 1941 and RCW 31.08.250; repealing section 23, chapter 208, Laws of 1941, section 81, chapter 81, Laws of 1971 and RCW 31.08.260; repealing section 24, chapter 208, Laws of 1941 and RCW 31.08-.270; repealing section 25, chapter 208, Laws of 1941 and RCW 31.08.900; repealing section 26, chapter 208, Laws of 1941 and RCW 31.08.910; repealing section 12, chapter 212, Laws of 1959 and RCW 31.08.911; repealing section 27, chapter 208, Laws of 1941 and RCW 31.08.920; repealing section 32.04.010, chapter 13, Laws of 1955 and RCW 32.04.010; repealing section 32.04.020, chapter 13, Laws of 1955 and RCW 32.04.020; repealing section 13, chapter 55, Laws of 1969 and RCW 32.04.022; repealing section 10, chapter 176, Laws of 1963 and RCW 32.04-.025; repealing section 32.04.030, chapter 13, Laws of 1955, section 1, chapter 80, Laws of 1955 and RCW 32.04.030; repealing section 32.04.040, chapter 13, Laws of 1955 and RCW 32.04.040; repealing section 32.04.050, chapter 13, Laws of 1955, section 1, chapter 241, Laws of 1977 ex. sess. and RCW 32.04.050; repealing section 32.04.060, chapter 13, Laws of 1955, section 1, chapter 171, Laws of 1977 ex. sess. and RCW 32.04.060; repealing section 32.04.070, chapter 13, Laws of 1955 and RCW 32.04.070; repealing section 32.04.080, chapter 13, Laws of 1955, section 2, chapter 80, Laws of 1955 and RCW 32.04.080; repealing section 7, chapter 80, Laws of 1957 and RCW 32.04.082; repealing section 1, chapter 222, Laws of 1971 ex. sess. and RCW 32.04.085; repealing section 32.04.100, chapter 13, Laws of 1955 and RCW 32.04.100; repealing section 32.04.110, chapter 13, Laws of 1955 and RCW 32.04.110; repealing section 32.04.120, chapter 13, Laws of 1955 and RCW 32.04.120; repealing section 32.04.130, chapter 13, Laws of 1955 and RCW 32.04-.130; repealing section 2, chapter 245, Laws of 1977 ex. sess. and RCW 32.04.220; repealing section 32.08.010, chapter 13, Laws of 1955 and RCW 32.08.010; repealing section 32.08.020, chapter 13, Laws of 1955 and RCW 32.08.020; repealing section 32.08.030, chapter 13, Laws of 1955 and RCW 32.08.030; repealing section 32.08.040, chapter 13, Laws of 1955 and RCW 32.08.040; repealing section 32.08-.050, chapter 13, Laws of 1955 and RCW 32.08.050; repealing section 32.08.060, chapter 13, Laws of 1955, section 1, chapter 80, Laws of 1957 and RCW 32.08.060; repealing section 8, chapter 80, Laws of 1957, section 1, chapter 176, Laws of 1963 and RCW 32.08.061; repealing section 32.08.070, chapter 13, Laws of 1955 and RCW 32.08.070; repealing section 32.08.080, chapter 13, Laws of 1955 and RCW 32.08.080; repealing section 32.08.090, chapter 13, Laws of 1955 and RCW 32.08-.090; repealing section 32.08.100, chapter 13, Laws of 1955 and RCW 32.08.100; repealing section 32.08.110, chapter 13, Laws of 1955 and RCW 32.08.110; repealing section 32.08.120, chapter 13, Laws of 1955 and RCW 32.08.120; repealing section 32.08.130, chapter 13, Laws of 1955 and RCW 32.08.130; repealing section 32.08.140, chapter 13, Laws of 1955, section 2, chapter 80, Laws of 1957, section 2, chapter 176, Laws of 1963, section 1, chapter 104, Laws of 1977 ex. sess. and RCW

32.08.140; repealing section 32.08.150, chapter 13, Laws of 1955, section 3, chapter 80, Laws of 1957, section 1, chapter 14, Laws of 1959, section 1, chapter 41, Laws of 1959, section 1, chapter 55, Laws of 1969, section 1, chapter 15, Laws of 1975 and RCW 32.08.150; repealing section 32.08.160, chapter 13, Laws of 1955 and RCW 32.08.160; repealing section 12, chapter 55, Laws of 1969, section 1, chapter 265, Laws of 1975 1st ex. sess. and RCW 32.08.210; repealing section 32.12.010, chapter 13, Laws of 1955, section 4, chapter 80, Laws of 1957, section 2, chapter 41, Laws of 1959, section 1, chapter 80, Laws of 1961, section 1, chapter 145, Laws of 1967 and RCW 32.12.010; repealing section 32.12.020, chapter 13, Laws of 1955, section 3, chapter 41, Laws of 1959, section 2, chapter 80, Laws of 1961, section 3, chapter 176, Laws of 1963, section 2, chapter 145, Laws of 1967, section 2, chapter 55, Laws of 1969, section 40, chapter 117, Laws of 1974 ex. sess. and RCW 32.12.020; repealing section 3, chapter 145, Laws of 1967 and RCW 32.12.025; repealing section 32.12.030, chapter 13, Laws of 1955, section 7, chapter 280, Laws of 1961, section 4, chapter 176, Laws of 1963 and RCW 32.12.030; repealing section 32.12.050, chapter 13, Laws of 1955 and RCW 32.12.050; repealing section 32.12.060, chapter 13, Laws of 1955 and RCW 32.12.060; repealing section 32.12.070, chapter 13, Laws of 1955, section 3, chapter 80, Laws of 1955 and RCW 32.12.070; repealing section 32.12.080, chapter 13, Laws of 1955 and RCW 32.12.080; repealing section 32.12.090, chapter 13, Laws of 1955, section 5, chapter 80, Laws of 1957, section 3, chapter 80, Laws of 1961, section 3, chapter 55, Laws of 1969, section 2, chapter 104, Laws of 1977 ex. sess. and RCW 32.12.090; repealing section 11, chapter 176, Laws of 1963, section 3, chapter 111, Laws of 1965 and RCW 32.12.100; repealing section 12, chapter 176, Laws of 1963, section 20, chapter 278, Laws of 1975 1st ex. sess. and RCW 32.12.110; repealing section 13, chapter 176, Laws of 1963 and RCW 32.12.120; repealing section 32.16.010, chapter 13, Laws of 1955 and RCW 32.16.010; repealing section 14, chapter 55, Laws of 1969 and RCW 32.16.012; repealing section 32.16.020, chapter 13, Laws of 1955 and RCW 32.16.020; repealing section 32.16.030, chapter 13, Laws of 1955 and RCW 32.16.030; repealing section 32.16.040, chapter 13, Laws of 1955, section 4, chapter 55, Laws of 1969 and RCW 32.16.040; repealing section 32.16.050, chapter 13, Laws of 1955, section 6, chapter 80, Laws of 1957 and RCW 32.16.050; repealing section 32.16.060, chapter 13, Laws of 1955 and RCW 32.16.060; repealing section 32.16.070, chapter 13, Laws of 1955 and RCW 32.16.070; repealing section 32.16.080, chapter 13, Laws of 1955 and RCW 32.16.080; repealing section 32.16.090, chapter 13, Laws of 1955 and RCW 32.16.090; repealing section 32.16.100, chapter 13, Laws of 1955 and RCW 32.16.100; repealing section 32.16.110, chapter 13, Laws of 1955 and RCW 32.16.110; repealing section 32.16.120, chapter 13, Laws of 1955 and RCW 32.16.120; repealing section 2, chapter 222, Laws of 1971 ex. sess. and RCW 32.16.130; repealing section 32.20.010, chapter 13, Laws of 1955, section 2, chapter 241, Laws of 1977 ex. sess. and RCW 32.20.010; repealing section 32.20.020, chapter 13, Laws of 1955 and RCW 32.20.020; repealing section 32.20.030, chapter 13, Laws of 1955 and RCW 32.20.030; repealing section 32.20.040, chapter 13, Laws of 1955, section 5, chapter 176, Laws of 1963 and RCW 32.20.040; repealing section 10, chapter 80, Laws of 1957, section 4, chapter 145, Laws of 1967 and RCW 32.20.045; repealing section 2, chapter 185, Laws of 1959 and RCW 32.20.047; repealing section 32.20.050, chapter 13, Laws of 1955 and RCW 32.20.050; repealing section 32.20.060, chapter 13, Laws of 1955 and RCW 32.20.060; repealing section 32.20.070, chapter 13, Laws of 1955 and RCW 32.20.070; repealing section 32.20.080, chapter 13, Laws of 1955 and RCW 32.20.080; repealing section 32.20.090, chapter 13, Laws of 1955 and RCW 32.20.090; repealing section 32.20.100, chapter 13, Laws of 1955 and RCW 32.20.100; repealing section 32.20.110, chapter 13, Laws of 1955 and RCW 32.20.110; repealing section 32.20.120, chapter 13, Laws of 1955 and RCW 32.20.120; repealing section 32.20.130, chapter 13, Laws of

1955 and RCW 32.20.130; repealing section 32.20.140, chapter 13, Laws of 1955 and RCW 32.20.140; repealing section 32.20.150, chapter 13, Laws of 1955 and RCW 32.20.150; repealing section 32.20.160, chapter 13, Laws of 1955 and RCW 32.20.160; repealing section 32.20.170, chapter 13, Laws of 1955, section 4, chapter 80, Laws of 1955 and RCW 32.20.170; repealing section 32.20.180, chapter 13, Laws of 1955 and RCW 32.20.180; repealing section 32.20.190, chapter 13, Laws of 1955 and RCW 32.20.190; repealing section 32.20.210, chapter 13, Laws of 1955 and RCW 32.20.210; repealing section 14, chapter 176, Laws of 1963 and RCW 32.20.215; repealing section 7, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.217; repealing section 32.20.220, chapter 13, Laws of 1955 and RCW 32.20.220; repealing section 32.20.230, chapter 13, Laws of 1955, section 6, chapter 176, Laws of 1963, section 5, chapter 55, Laws of 1969 and RCW 32.20.230; repealing section 15, chapter 176, Laws of 1963 and RCW 32.20.235; repealing section 32.20.240, chapter 13, Laws of 1955, section 5, chapter 145, Laws of 1967 and RCW 32.20.240; repealing section 32.20.250, chapter 13, Laws of 1955, section 5, chapter 80, Laws of 1955, section 4, chapter 41, Laws of 1959, section 4, chapter 80, Laws of 1961, section 7, chapter 176, Laws of 1963, section 6, chapter 145, Laws of 1967, section 6, chapter 55, Laws of 1969, section 3, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.250; repealing section 16, chapter 55, Laws of 1969, section 8, chapter 222, Laws of 1971 ex. sess., section 4, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.255; repealing section 32.20.260, chapter 13, Laws of 1955, section 5, chapter 80, Laws of 1961, section 8, chapter 176, Laws of 1963 and RCW 32.20.260; repealing section 9, chapter 80, Laws of 1957 and RCW 32.20.265; repealing section 32.20.270, chapter 13, Laws of 1955, section 5, chapter 41, Laws of 1959, section 6, chapter 80, Laws of 1961, section 9, chapter 176, Laws of 1963, section 7, chapter 145, Laws of 1967, section 5, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.270; repealing section 32.20.275, chapter 13, Laws of 1955, section 7, chapter 80, Laws of 1961 and RCW 32.20.275; repealing section 32.20.280, chapter 13, Laws of 1955, section 7, chapter 55, Laws of 1969, section 6, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.280; repealing section 15, chapter 55, Laws of 1969 and RCW 32.20.285; repealing section 32.20.290, chapter 13, Laws of 1955, section 8, chapter 145, Laws of 1967 and RCW 32.20.290; repealing section 32.20.310, chapter 13, Laws of 1955 and RCW 32.20.310; repealing section 32.20.320, chapter 13, Laws of 1955, section 8, chapter 55, Laws of 1969 and RCW 32.20.320; repealing section 6, chapter 80, Laws of 1955, section 6, chapter 222, Laws of 1971 ex. sess., section 7, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.330; repealing section 6, chapter 41, Laws of 1959, section 9, chapter 145, Laws of 1967, section 5, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.370; repealing section 16, chapter 176, Laws of 1963 and RCW 32.20.380; repealing section 17, chapter 176, Laws of 1963 and RCW 32.20.390; repealing section 18, chapter 176, Laws of 1963, section 10, chapter 145, Laws of 1967, section 9, chapter 55, Laws of 1969, section 6, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.400; repealing section 19, chapter 176, Laws of 1963, section 10, chapter 55, Laws of 1969, section 7, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.410; repealing section 11, chapter 145, Laws of 1967, section 11, chapter 55, Laws of 1969, section 8, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.420; repealing section 3, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.430; repealing section 4, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.440; repealing section 1, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.450; repealing section 2, chapter 31, Laws of 1973 1st ex. sess., section 9, chapter 104, Laws of 1977 ex. sess. and RCW 32.20.460; repealing section 3, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.470; repealing section 4, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.480; repealing section 5, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.490; repealing section 8, chapter 31, Laws of

1973 1st ex. sess. and RCW 32.20.500; repealing section 32.24.010, chapter 13, Laws of 1955 and RCW 32.24.010; repealing section 32.24.020, chapter 13, Laws of 1955 and RCW 32.24.020; repealing section 32.24.030, chapter 13, Laws of 1955 and RCW 32.24.030; repealing section 32.24.040, chapter 13, Laws of 1955 and RCW 32.24.040; repealing section 32.24.050, chapter 13, Laws of 1955 and RCW 32.24.050; repealing section 32.24.060, chapter 13, Laws of 1955 and RCW 32.24.060; repealing section 32.24.070, chapter 13, Laws of 1955 and RCW 32.24.070; repealing section 32.24.080, chapter 13, Laws of 1955 and RCW 32.24.080; repealing section 3, chapter 54, Laws of 1973 1st ex. sess. and RCW 32.24.090; repealing section 4, chapter 54, Laws of 1973 1st ex. sess. and RCW 32.24.100; repealing section 32.98.010, chapter 13, Laws of 1955 and RCW 32.98.010; repealing section 32.98.020, chapter 13, Laws of 1955 and RCW 32.98.020; repealing section 32.98.030, chapter 13, Laws of 1955 and RCW 32.98.030; repealing section 20, chapter 176, Laws of 1963 and RCW 32.98.031; repealing section 32.98.050, chapter 13, Laws of 1955 and RCW 32.98.050; repealing section 32.98.060, chapter 13, Laws of 1955 and RCW 32.98.060; repealing section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030; repealing section 4, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.040; repealing section 5, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.050; repealing section 6, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.060; repealing section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070; repealing section 8, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.080; repealing section 2, chapter 108, Laws of 1969, section 1, chapter 218, Laws of 1975 1st ex. sess., section 129, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.110.010; repealing section 82.44.160, chapter 15, Laws of 1961, section 1, chapter 115, Laws of 1961, section 1, chapter 108, Laws of 1969, section 7, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.160; repealing section 36.62.020, chapter 4, Laws of 1963 and RCW 36.62.020; repealing section 43.20.030, chapter 8, Laws of 1965, section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030; repealing section 43.20.050, chapter 8, Laws of 1965, section 9, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.050; repealing section 43.20.100, chapter 8, Laws of 1965, section 44, chapter 75, Laws of 1977 and RCW 43.20.100; repealing section 43.20.140, chapter 8, Laws of 1965 and RCW 43.20.140; repealing section 11, chapter 102, Laws of 1967 ex. sess. and RCW 43.20.200; repealing section 1, chapter 197, Laws of 1957 and RCW 69.06.010; repealing section 2, chapter 197, Laws of 1957 and RCW 69.06.020; repealing section 5, chapter 197, Laws of 1957 and RCW 69.06.050; repealing section 16, chapter 190, Laws of 1939, section 1, chapter 30, Laws of 1961 and RCW 69.16.115; repealing section 17, chapter 190, Laws of 1939, section 2, chapter 30, Laws of 1961 and RCW 69.16.120; repealing section 16, chapter 112, Laws of 1939 and RCW 69.20.095; repealing section 17, chapter 112, Laws of 1939 and RCW 69.20.100; repealing section 3, chapter 144, Laws of 1955 and RCW 69.30.030; repealing section 5, chapter 144, Laws of 1955 and RCW 69.30.050; repealing section 6, chapter 144, Laws of 1955 and RCW 69.30.060; repealing section 12, chapter 102, Laws of 1967 ex. sess., section 1, chapter 25, Laws of 1969 ex. sess. and RCW 70.01.010; repealing section 16, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.110; repealing section 4, chapter 114, Laws of 1919 and RCW 70.24.040; repealing section 8, chapter 114, Laws of 1919 and RCW 70.24.070; repealing section 6, chapter 54, Laws of 1967 and RCW 70.28.035; repealing section 3, chapter 267, Laws of 1955, section 9, chapter 189, Laws of 1971 ex. sess. and RCW 70.41.030; repealing section 1, chapter 231, Laws of 1969 ex. sess. and RCW 70.54.110; repealing section 6, chapter 177, Laws of 1959 and RCW 70.58.350; repealing section 5, chapter 82, Laws of 1967 and RCW 70.83.050; repealing section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927

and RCW 85.08.020; repealing section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010; repealing section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020; repealing section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030; repealing section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.117.040; repealing section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050; repealing section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060; repealing section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070; repealing section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080; repealing section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090; repealing section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100; repealing section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.900; repealing section 14, chapter 140, Laws of 1974 ex. sess. section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910; repealing section 1, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.010; repealing section 2, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.020; repealing section 3, chapter 147, Laws of 1967 ex. sess., section 1, chapter 105, Laws of 1969 ex. sess., section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030; repealing section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040; repealing section 6, chapter 147, Laws of 1967 ex. sess., section 120, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.59.050; repealing section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060; repealing section 8, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.070; repealing section 9, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.080; repealing section 10, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.090; repealing section 11, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.100; repealing section 12, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.110; repealing section 13, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.120; repealing section 14, chapter 147, Laws of 1967 ex. sess., section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130; repealing section 49, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.275; repealing section 16, chapter 215, Laws of 1937, section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230; repealing section 14, chapter 3, Laws of 1965 ex. sess., section 31, chapter 34, Laws of 1975-'76 2nd ex. sess., section 9, chapter 75, Laws of 1977 and RCW 18.18.251; repealing section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; repealing section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; repealing section 15, chapter 189, Laws of 1971 ex. sess., section 99, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.380; repealing section 5, chapter 101, Laws of 1957, section 20, chapter 223, Laws of 1967, section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.140; repealing section 74.16.030, chapter 26, Laws of 1959, section 1, chapter 128, Laws of 1965, section 1, chapter 78, Laws of 1967, section 9, chapter 169, Laws of 1971 ex. sess. and RCW 74.16.030; repealing section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040; repealing section 74.16.170, chapter 26, Laws of 1959, section 16, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.170; repealing section 1, chapter 59, Laws of 1967, section 17, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.181; repealing section 2, chapter 59, Laws of 1967, section 18, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.183; repealing section 74.16.190, chapter 26, Laws of 1959, section 19, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.190; repealing section 74.16.300, chapter 26, Laws of 1959, section 20, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.300; repealing section 1, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.400; repealing section 2, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.410; repealing section 3, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.420; repealing section 4, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.430; repealing section 5, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.440;

repealing section 6, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.450; repealing section 7, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.460; repealing section 8, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.470; repealing section 9, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.480; repealing section 10, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.490; repealing section 11, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.500; repealing section 12, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.510; repealing section 13, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.520; repealing section 14, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.530; repealing section 24, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.540; repealing section 1, chapter 251, Laws of 1975 1st ex. sess., section 21, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.010; repealing section 2, chapter 251, Laws of 1975 1st ex. sess., section 22, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.020; repealing section 3, chapter 251, Laws of 1975 1st ex. sess. and RCW 74.17.030; repealing section 4, chapter 251, Laws of 1975 1st ex. sess., section 23, chapter 40, Laws of 1977 ex. sess. and RCW 74.17.040; repealing section 14, chapter 115, Laws of 1975-'76 2nd ex. sess., section 1, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.080; repealing section 2, chapter 285, Laws of 1977 ex. sess. and RCW 43.60A.081; repealing section 6, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.580; repealing section 1, chapter 77, Laws of 1963, section 5, chapter 126, Laws of 1967, section 1, chapter 118, Laws of 1972 ex. sess., section 1, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.010; repealing section 2, chapter 77, Laws of 1963, section 2, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.020; repealing section 3, chapter 77, Laws of 1963, section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030; repealing section 4, chapter 77, Laws of 1963, section 1, chapter 126, Laws of 1967, section 2, chapter 118, Laws of 1972 ex. sess., section 4, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040; repealing section 5, chapter 77, Laws of 1963 and RCW 18.27.050; repealing section 6, chapter 77, Laws of 1963, section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060; repealing section 7, chapter 77, Laws of 1963, section 2, chapter 126, Laws of 1967, section 5, chapter 153, Laws of 1973 1st ex. sess., section 1, chapter 66, Laws of 1977 ex. sess. and RCW 18.27.070; repealing section 8, chapter 77, Laws of 1963, section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080; repealing section 6, chapter 126, Laws of 1967 and RCW 18.27.085; repealing section 2, chapter 25, Laws of 1974 ex. sess. and RCW 18.27.090; repealing section 10, chapter 77, Laws of 1963 and RCW 18.27.100; repealing section 4, chapter 126, Laws of 1967 and RCW 18.27.110; repealing section 3, chapter 70, Laws of 1967 and RCW 39.06.010; repealing section 5, chapter 118, Laws of 1972 ex. sess., section 7, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.120; repealing section 4, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.130; repealing section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140; repealing section 11, chapter 77, Laws of 1963 and RCW 18.27.900; repealing section 29.33.030, chapter 9, Laws of 1965 and RCW 29.33.030; repealing section 29.33.040, chapter 9, Laws of 1965, section 13, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.040; repealing section 29.33.050, chapter 9, Laws of 1965, section 14, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.050; repealing section 29.33.060, chapter 9, Laws of 1965, section 15, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.060; repealing section 29.33.070, chapter 9, Laws of 1965, section 16, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.070; repealing section 29.33.080, chapter 9, Laws of 1965, section 17, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.080; repealing section 29.33.090, chapter 9, Laws of 1965 and RCW 29.33.090; repealing section 29.33.100, chapter 9, Laws of 1965, section 20, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.100; repealing section 18, chapter 109, Laws of 1967 ex. sess., section 1, chapter 6, Laws of 1971 ex. sess., section 66, chapter 361, Laws of

1977 ex. sess. and RCW 29.34.080; repealing section 19, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.090; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2498, by Senators Van Hollebeke, Talmadge and Williams:

AN ACT Relating to pawn brokers and second-hand dealers; adding a new section to chapter 19.60 RCW; and repealing section 2, chapter 114, Laws of 1972 ex. sess. and RCW 19.60.064.

Referred to Judiciary Committee.

SENATE BILL NO. 2499, by Senators Gaspard and Gould (by Superintendent of Public Instruction request):

AN ACT Relating to education; setting forth the Washington State Parental Involvement in Education Act of 1979; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 2500, by Senators Van Hollebeke, Williams and Bottiger:

AN ACT Relating to theft and robbery; and amending section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 8, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.56.010.

Referred to Judiciary Committee.

SENATE BILL NO. 2501, by Senators Benitz, Gaspard and Hansen:

AN ACT Relating to the conservation, utilization, development, and management of water resources; amending section 12, chapter 1, Laws of 1931 and RCW 54.04.030; amending section 2, chapter 390, Laws of 1955 as amended by section 6, chapter 106, Laws of 1969 and RCW 54.16.010; amending section 3, chapter 390, Laws of 1955 and RCW 54.16.020; amending section 4, chapter 390, Laws of 1955 and RCW 54.16.030; amending section 6, chapter 390, Laws of 1955 and RCW 54.16.050; and creating new sections.

Referred to Committee on Agriculture.

SENATE BILL NO. 2502, by Senators Conner, Day and Rasmussen (by Department of Veterans Affairs request):

AN ACT Relating to motor vehicle licenses; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2503, by Senators Quigg, Peterson and Talley (by Department of Natural Resources request):

AN ACT Relating to state-owned and managed timber; adding new sections to chapter 79.01 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2504, by Senators Morrison, Gaspard, Benitz and Hansen:

AN ACT Relating to agricultural water supply facilities; amending section 1, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.300; amending section 13, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.360; amending section 15, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.370; making an appropriation; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture.

SENATE BILL NO. 2505, by Senators Donohue, Marsh, Day, Walgren, Ridder and Goltz (by Executive request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing and equipping of certain jail buildings and facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; amending section 3, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.030; adding a new chapter to Title 70 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2506, by Senators North and Shinpoch:

AN ACT Relating to mandatory retirement of public employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2507, by Senators Talley, Wilson, Conner, Vognil, Woody and Odegaard:

AN ACT Relating to fire districts; and amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 86, Laws of 1973 and RCW 52.12-.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2508, by Senators Bottiger and Day:

AN ACT Relating to the taxation of insurance premiums; amending section 14.02, chapter 79, Laws of 1947 as amended by section 9, chapter 241, Laws of 1969 ex. sess. and RCW 48.14.020; creating new sections; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2509, by Senator Day:

AN ACT Relating to community services.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2510, by Senators Goltz, Wojahn, Ridder, Fleming and North:

AN ACT Relating to revenue and taxation; amending and reenacting section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 166, Laws of 1977 ex. sess., by section 1, chapter 179, Laws of 1977 ex. sess. and by section 1, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.08.030; and amending and reenacting section 82.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 166, Laws of 1977 ex. sess., by section 111, chapter 169, Laws of 1977 ex. sess., by section 2, chapter 179, Laws of 1977 ex. sess., and by section 2, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2511, by Senators Van Hollebeke, Walgren, Matson, Morrison, Quigg, Wojahn and Jones:

AN ACT Relating to litter control and recycling; amending section 1, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.010; amending section 2, chapter 307, Laws of 1971 ex. sess. as amended by section 7, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.020; amending section 3, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.030; amending section 5, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.050; amending section 9, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.090; amending section 10, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.100; amending section 20, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.200; amending section 21, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.210; adding a new section to chapter 70.93 RCW; repealing section 19,

chapter 307, Laws of 1971 ex. sess., section 8, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.93.190; and declaring an emergency.

Referred to Committee on Commerce.

SENATE BILL NO. 2512, by Senator Talley:

AN ACT Relating to fisheries; amending section 2, chapter ..., Laws of 1979 (HB No. ...) and RCW 43.17.020; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; creating new sections; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2513, by Senators Hansen, Guess and Goltz:

AN ACT Relating to institutions of higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2514, by Senators Odegaard, Donohue, Morrison, Benitz, Woody and Talley (by Department of Revenue request):

AN ACT Relating to revenue and taxation; adding a new chapter to Title 82 RCW to be designated as chapter 82.33 RCW; adding a new section to chapter 84.33 RCW; creating a new section; repealing section 1, chapter 347, Laws of 1977 ex. sess., section ....., chapter ...(H.B. ....), Laws of 1979 and RCW 82.04.291; repealing section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; repealing section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.060; repealing section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-'76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.080; repealing section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.090; adding a new section to chapter 84.33 RCW; decodifying RCW 84.33.070; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2515, by Senators Odegaard, Donohue, Morrison, Benitz, Woody and Talley (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020; amending section 4, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.040; amending section 10, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.100; amending section 11, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.110; amending section 12, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.113; amending section 14, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.115; amending section 15, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.116; amending section 17, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.118; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 5, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.120; amending section 13, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.130; amending section 17, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.170; adding new sections to chapter 84.33 RCW; repealing section 10, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.111; repealing section 16, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.117;

repealing section 15, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.150; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2516, by Senators Odegaard, Donohue, Morrison, Benitz, Woody, Talley and Williams (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. and RCW 82.04.291; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2517, by Senators McDermott, Gould, Ridder, Morrison and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; creating a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2518, by Senators McDermott, Matson and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 1, chapter 138, Laws of 1973 and RCW 28A.58.247; creating new sections; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 2519, by Senators Shinpoch and Donohue (by Office of Financial Management request):

AN ACT Relating to state funds; amending section 28B.50.350, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.350; amending section 28B.20.715, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 56, Laws of 1970 ex. sess. and RCW 28B.20.715; amending section 28B.20.720, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.720; amending section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 25, Laws of 1972 ex. sess. and RCW 28B.30.730; amending section 28B.30.740, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.740; and amending section 28B.40.370, chapter 223, Laws of 1969 ex. sess. as amended by section 79, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.370.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2520, by Senator Lysen:

AN ACT Relating to the state insurance fund; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2521, by Senators Odegaard, Donohue, Sellar, Wilson and Morrison:

AN ACT Relating to revenue and taxation; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2522, by Senator Lysen:

AN ACT Relating to port districts; amending section 2, chapter 65, Laws of 1955 and RCW 53.08.010; amending section 3, chapter 65, Laws of 1955 as last amended by section 3, chapter 147, Laws of 1963 and RCW 53.08.020; amending section 10, chapter 92, Laws of 1911 and RCW 53.20.050; amending section 1, chapter 73, Laws of 1955 and RCW 53.25.010; amending section 10, chapter 73, Laws of 1955 and RCW 53.25.100; amending section 1, chapter 236, Laws of 1959

and RCW 53.34.010; amending section 17, chapter 236, Laws of 1959 and RCW 53.34.170; adding a new section to chapter 53.04 RCW; repealing section 19, chapter 73, Laws of 1955 and RCW 53.25.190; and repealing section 21, chapter 73, Laws of 1955 and RCW 53.25.210.

Referred to Committee on Local Government.

SENATE JOINT RESOLUTION NO. 117, by Senators Matson, Newschwander, Hayner, Lee, Gallagher, Clarke, Quigg, Bluechel, Morrison, Wanamaker, Jones, North, Benitz, Guess, Lewis and Sellar.

Amending the Constitution to limit the length of legislative sessions.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Conner, Day, Goltz, Wojahn, Lysen, Fleming, Ridder, Moore, Vognild, Bausch and Talmadge:

Establishing a week honoring the family.

Referred to Committee on State Government.

### FIRST READING OF HOUSE BILLS

HOUSE BILL NO. 4, by Representatives Owen, North, Kreidler, Craswell, Grimm, Gruger, Williams and Walk:

Providing for records on adopted children.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 25, by Representatives Knowles, Smith (Rick) and Sherman (by Committee on Judiciary of the 45th Legislature request):

Defining what persons are lawfully on another's property in cases of liability for dog bites.

Referred to Judiciary committee.

HOUSE BILL NO. 52, by Representative Keller (by Committee on Judiciary of the 45th Legislature request):

Permitting municipal courts to be terminated by city ordinance at any time.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 78, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Garrett, Charnley and Keller):

Relating to special purpose districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 126, by Representatives Charnley, Vrooman, Erickson, Douthwaite, Chandler, Burns, Owen and Galloway.

Making unlawful the commercial selling of term papers, theses, or other work assignments utilized for postsecondary education purposes.

Referred to Committee on Higher Education.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2490, 2497, 2504, 2505, 2507, 2510, 2511, 2515, 2516, 2517, 2518, 2521, SCR 105.

### THIRD READING

SENATE BILL NO. 2165, by Senators Talley, Henry and Guess:

Replacing authority for the department of transportation to approve airport sites.

## MOTIONS

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 2165 was returned to second reading.

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

On page 3, line 1, after "States" insert ", or private airports not opened for public use, unless the owner of such airport shall request licensing by the department, or the department determines after a public hearing held upon the request of an affected or interested person or upon the department's own motion that licensure of a private airport is necessary to protect the public interest"

Senator Gould moved adoption of the following amendment:

On page 3, after line 7, insert the following:

"**NEW SECTION.** Sec. 3. The provisions of this act do not take precedence over nor preempt county and/or city zoning ordinances or regulations now in existence or hereinafter enacted."

Renumber the remaining sections consecutively.

## POINT OF INQUIRY

Senator Clarke: "Senator, what is your intent if there is an inconsistency between the local and this particular enactment? You say that this shall not take precedent, but you leave me in somewhat of a quandary as to what happens in the view that they are conflicting."

Senator Gould: "The intent is that the local zoning ordinances will take precedent."

## POINT OF INQUIRY

Senator Talley: "Senator Gould, I can recognize what you are trying to do and I can agree with it in principle, but does it take precedent over state law? A local ordinance might do it, but it still might create a hazard which all of the people will be exposed to. Do you intend that to be?"

Senator Gould: "Well, if the local people are opposed to it, it is my belief that local government would be receptive to that and provide ordinances or zoning regulations to that effect. That they are very responsive to the local people."

Senator Talley: "Well this could take place over county lines and things like that outside of the city. The city could legalize zoning laws and that wouldn't hurt us a bit, but what if this flight pattern, created by an airport, goes over and creates a hazard for somebody else. I mean they are up in the air...up there that air space does not belong to one city or another."

Senator Gould: "That is what we are talking about. One on the edge of the county border or something of that sort. In that case the two counties could work it out together."

Senator Talley: "What if they don't?"

Senator Gould: "Then they have a problem. But that happens in a lot of issues these days."

Debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Senator, I suspect, if I am not presuming too much, that what Senator Gould is trying to accomplish is to say that the state should not authorize the creation of a new airport site which would not be in harmony with the existing local zoning at the time. If this is correct, we would not be getting into the business of flashing lights and so on, but simply would be saying that the county zoning ordinance prevailing at the time would govern the location of new airports."

Senator Bottiger: "Senator Wilson if that is what it did, I wouldn't have any problems. I think that is already the law. But I am afraid it goes beyond that and does more than that."

"Senator Talley, I regret that I would like to have this held until we could have somebody check it and make sure what this amendment does. I am afraid it does more than is intended."

#### MOTION

On motion of Senator Talley, Senate Bill No. 2165, together with the adopted amendment by Senator Bottiger and the pending amendment by Senator Gould, was ordered held on the second reading calendar for Tuesday, January 30, 1979.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, January 30, 1979.

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

## TWENTY-THIRD DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, January 30, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Ginger Buss and Vincent Topolinsky, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"FATHER IN HEAVEN, LORD OF ALL THAT IS, WE BEG YOUR GRACE TO INFORM THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON NOW IN REGULAR SESSION. FILL THEM WITH A SENSE OF PURPOSE. HELP THEM TO SEE THE GREATER GOOD OVER PURELY LOCAL CONCERNS. WHERE GREED HOLDS FORTH, BREAK ITS BINDING ARMS. WHERE COMPROMISE OF PRINCIPLE HAS REPLACED NECESSARY GIVE AND TAKE, RESTORE AN ABIDING SENSE OF MUTUALITY OF INTEREST. WHERE PRIDE OF POSITION OR PRESTIGE HOLD SWAY, BRING GENUINE HUMILITY. ABOVE ALL ELSE REMIND US WHOSE MINISTERS AND SERVANTS WE TRULY ARE. THROUGH JESUS THE AUTHOR AND FINISHER OF OUR DESTINY. AMEN."

### MOTION

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

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2523, by Senator Day:

AN ACT Relating to Indians.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2524, by Senator Day:

AN ACT Relating to the board of health.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2525, by Senator Day:

AN ACT Relating to medical malpractice.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2526, by Senator Day:

AN ACT Relating to social workers.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2527, by Senator Day:

AN ACT Relating to nursing.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2528, by Senator Day:

AN ACT Relating to sheltered workshops.

Referred to Committee on Social and Health Services.

- SENATE BILL NO. 2529, by Senator Day:  
AN ACT Relating to people with handicaps.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2530, by Senator Day:  
AN ACT Relating to on-site sewage systems.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2531, by Senator Day:  
AN ACT Relating to senior citizens.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2532, by Senator Day:  
AN ACT Relating to hospital districts.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2533, by Senator Day:  
AN ACT Relating to physicians.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2534, by Senator Day:  
AN ACT Relating to housing.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2535, by Senator Day:  
AN ACT Relating to group homes.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2536, by Senator Day:  
AN ACT Relating to the hospital commission.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2537, by Senator Day:  
AN ACT Relating to child welfare.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2538, by Senator Day:  
AN ACT Relating to health maintenance organizations.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2539, by Senator Day:  
AN ACT Relating to health care.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2540, by Senator Day:  
AN ACT Relating to state institutions.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2541, by Senator Day:  
AN ACT Relating to state residential schools.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2542, by Senator Day:  
AN ACT Relating to dental hygiene.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2543, by Senator Day:  
AN ACT Relating to medical practitioners.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2544, by Senator Day:  
AN ACT Relating to mental health.  
Referred to Committee on Social and Health Services.

- SENATE BILL NO. 2545, by Senator Day:  
AN ACT Relating to alcoholism.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2546, by Senator Day:  
AN ACT Relating to health planning.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2547, by Senator Day:  
AN ACT Relating to foster care.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2548, by Senator Day:  
AN ACT Relating to the healing arts.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2549, by Senator Day:  
AN ACT Relating to chiropractic treatment.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2550, by Senator Day:  
AN ACT Relating to prison terms and paroles.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2551, by Senator Day:  
AN ACT Relating to the practice of osteopathy.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2552, by Senator Day:  
AN ACT Relating to corrections.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2553, by Senator Day:  
AN ACT Relating to optometry.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2554, by Senator Day:  
AN ACT Relating to hospitals.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2555, by Senator Day:  
AN ACT Relating to social and health services.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2556, by Senator Day:  
AN ACT Relating to nursing homes.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2557, by Senator Day:  
AN ACT Relating to dentistry.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2558, by Senator Day:  
AN ACT Relating to public assistance.  
Referred to Committee on Social and Health Services.
- SENATE BILL NO. 2559, by Senator Bottiger:  
AN ACT Relating to juvenile offenses; and creating a new section.  
Referred to Judiciary Committee.
- SENATE BILL NO. 2560, by Senator Bottiger:  
AN ACT Relating to juvenile offenses; and creating a new section.  
Referred to Judiciary Committee.

SENATE BILL NO. 2561, by Senators Benitz, Woody and Hayner:

AN ACT Relating to religious ceremonies; and amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.030.

Referred to Committee on Local Government.

SENATE BILL NO. 2562, by Senators Lewis, Woody and Pullen:

AN ACT Relating to voter registration; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.10 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2563, by Senators von Reichbauer, Lewis, Gaspard and Sellar:

AN ACT Relating to outdoor recreation; amending section 11, chapter 5, Laws of 1965 as last amended by section 125, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.99.110; amending section 2, chapter 5, Laws of 1965 as amended by section 1, chapter 56, Laws of 1972 ex. sess. and RCW 43.99.020; amending section 1, chapter 64, Laws of 1967 ex. sess. and RCW 43.30.300; amending section 4, chapter 129, Laws of 1972 ex. sess. and RCW 43.83C.040; amending section 8, chapter 5, Laws of 1965 as last amended by section 1, chapter 140, Laws of 1971 ex. sess. and RCW 43.99.080; amending section 7, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.070; amending section 7, chapter 47, Laws of 1971 ex. sess. as last amended by section 1, chapter 220, Laws of 1977 ex. sess. and RCW 46.09-.020; amending section 16, chapter 47, Laws of 1971 ex. sess. as last amended by section 9, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.110; amending section 22, chapter 47, Laws of 1971 ex. sess. as last amended by section 14, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.170; amending section 17, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.240; amending section 18, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.250; amending section 19, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.260; amending section 8, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.953; amending section 2, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.020; amending section 4, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.040; amending section 5, chapter 76, Laws of 1970 ex. sess. as amended by section 1, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.050; amending section 6, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.060; amending section 7, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.070; amending section 8, chapter 76, Laws of 1970 ex. sess. as last amended by section 21, chapter 220, Laws of 1977 ex. sess. and RCW 67.32.080; amending section 10, chapter 76, Laws of 1970 ex. sess. as amended by section 3, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.100; amending section 11, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.110; amending section 12, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.120; amending section 3, chapter 5, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1975-'76 2nd ex. sess. and RCW 43.99-.030; amending section 4, chapter 5, Laws of 1965 and RCW 43.99.040; amending section 7, chapter 5, Laws of 1965 and RCW 43.99.070; amending section 7, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.095; amending section 10, chapter 5, Laws of 1965 and RCW 43.99.100; amending section 12, chapter 5, Laws of 1965 and RCW 43.99.120; amending section 4, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.122; amending section 5, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.124; amending section 6, chapter 62, Laws of 1967 ex. sess. and RCW 43.99-.126; amending section 13, chapter 5, Laws of 1965 as amended by section 3, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.130; amending section 15, chapter 5, Laws of 1965 and RCW 43.99.150; amending section 4, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.130; amending section 5, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.140; amending section 2, chapter 161, Laws of 1977 ex. sess.

and RCW 79.72.020; adding new sections to chapter 5, Laws of 1965 and to chapter 43.99 RCW; and providing an effective date.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2564, by Senators von Reichbauer, Henry and Sellar:

AN ACT Relating to transporting hazardous materials; amending section 4, chapter 178, Laws of 1951 as last amended by section 3, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.030; amending section 1, chapter 20, Laws of 1967 ex. sess. as last amended by section 1, chapter 126, Laws of 1971 ex. sess. and RCW 46.20.440; amending section 46.48.170, chapter 12, Laws of 1961 and RCW 46.48-.170; amending section 2, chapter 144, Laws of 1967 as amended by section 1, chapter 22, Laws of 1973 2nd ex. sess. and RCW 46.64.070; adding new sections to chapter 38.52 RCW; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.48 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2565, by Senators Day, Vognild, Talmadge, Conner, Wanamaker, Sellar and Woody:

AN ACT Relating to handicapped persons; adding a new chapter to Title 29 RCW; and providing effective dates.

#### MOTIONS

On motion of Senator Day, the rules were suspended and Senator Woody was permitted as an additional sponsor on Senate Bill No. 2565.

On motion of Senator Day, Senate Bill No. 2565 was referred to the Committee on Social and Health Services.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2566, by Senators Scott and Shinpoch:

AN ACT Relating to probation counselors; repealing section 1, chapter 331, Laws of 1959 and RCW 13.07.010; repealing section 2, chapter 331, Laws of 1959, section 2, chapter 59, Laws of 1973 1st ex. sess. and RCW 13.07.020; repealing section 4, chapter 331, Laws of 1959, section 2, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.030; repealing section 6, chapter 331, Laws of 1959 and RCW 13.07-.040; repealing section 7, chapter 331, Laws of 1959 and RCW 13.07.050; repealing section 8, chapter 331, Laws of 1959 and RCW 13.07.060; and repealing section 3, chapter 137, Laws of 1965 ex. sess. and RCW 13.07.070.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 118, by Senators Henry, Matson, Newschwander, Marsh and Walgren:

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

Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2563, 2565, SJR 118.

#### SECOND READING

SENATE BILL NO. 2165, by Senators Talley, Henry and Guess:

Replacing authority for the department of transportation to approve airport sites.

The Senate resumed consideration of Senate Bill No. 2165. On January 29, 1979, the bill was returned from third reading to second reading and amended by Senator Bottiger. On that day, an amendment by Senator Gould was moved for

adoption. On motion of Senator Talley, the bill, as amended, and the pending amendment by Senator Gould was held for further consideration today.

#### MOTIONS

On motion of Senator Gould, the pending amendment by Senator Gould was withdrawn.

On motion of Senator Talley, Senate Bill No. 2165 will be placed on today's second reading calendar following Senate Bill No. 2053.

#### MOTION

At 10:13 a.m., on motion of Senator Walgren, the Senate recessed until 12:30 p.m.

#### SECOND MORNING SESSION

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

#### MOTION

At 12:30 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, January 31, 1979.

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

## TWENTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, January 31, 1979.

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 Hansen and Keefe. On motion of Senator Wilson, Senators Hansen and Keefe were excused.

The Color Guard, consisting of Pages Kim Cox and John Gaston, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, IN WHOSE HANDS RESTS THE GOVERNANCE OF THE UNIVERSE, GUIDE AND DIRECT THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON HERE ASSEMBLED IN REGULAR SESSION. DRIVE THEM TO THE ACCOMPLISHMENT OF THEIR VERY BEST AS THEY GO ABOUT THE WORK COMMITTED TO THEM. INSPIRE THEM TO PERCEIVE OPPORTUNITIES IN THE MIDST OF APPARENT PROBLEMS. CONVERT PETTY RESISTANCE INTO A HAPPY RESOLVE TO GET ON WITH THE PEOPLES' BUSINESS. AND FINALLY REMIND US ALL THAT IN YOUR SERVICE IS THAT PERFECT FREEDOM WE ALL SEEK AND FOR WHICH WE ALL YEARN. THROUGH JESUS CHRIST OUR ONLY LORD AND SAVIOR. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 29, 1979.

SENATE BILL NO. 2042, authorizing pilot programs allowing undergraduate higher education students whose parents are assigned to consular missions to pay like fees as resident students (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2042 be substituted therefor, and that Substitute Senate Bill No. 2042 do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2062, authorizing municipal performing and visual arts centers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 24, 1979.

SENATE BILL NO. 2095, adding a judge to the superior court in Clark county (reported by Judiciary Committee):

Recommendation: That Substitute Senate Bill No. 2095 be substituted therefor, and that Substitute Senate Bill No. 2095 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2130, implementing law relating to services of educational service districts (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2140, permitting funds for scholarships for performing arts students so long as moneys from performing arts events go into fund therefor (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2140 be substituted therefor, and that Substitute Senate Bill No. 2140 do pass.

Signed by: Senators Goltz, Chairman; Benitz, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2155, allowing school districts to provide certain non-profit meal programs for certain children (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

January 30, 1979.

SENATE BILL NO. 2191, declaring geothermal resources to be the private property of owner of the surface land (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2262, authorizing local governments to administer senior citizen programs (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Talley.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2297, repealing higher education assistance authority act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules for second reading.

January 30, 1979.

SENATE BILL NO. 2318, revising laws relating to state accounts and funds (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

January 25, 1979.

SENATE BILL NO. 2418, insuring accuracy and proper usage of drivers' records (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2418 be substituted therefor, and that Substitute Senate Bill No. 2418 do pass.

Signed by: Senators Henry, Chairman; Conner, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

## REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 30, 1979.

B. A. SHEARER, to the position of member of the Board of Pilotage Commissioners, appointed by the Governor on December 27, 1977 for the term ending December 26, 1979, (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

January 30, 1979.

JIM BLACKMORE, to the position of member of the Board of Pilotage Commissioners, appointed by the Governor on December 27, 1977 for the term ending December 26, 1980 (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

January 30, 1979.

BERT HOLMES, to the position of member of the Board of Pilotage Commissioners, appointed by the Governor on December 27, 1977 for the term ending December 26, 1980 (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules.

January 29, 1979.

EDWIN J. McWILLIAMS, to the position of member of the Board of Regents, Washington State University, appointed by the Governor on February 2, 1978 for the term ending March 9, 1979, succeeding Robert Strauz (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators, Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2567, by Senators Hansen, Sellar and Henry:

AN ACT Relating to signals and warning devices at railroad crossings; amending section 1, chapter 134, Laws of 1969 and RCW 81.53.261; and adding a new section to chapter 81.53 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2568, by Senator Gould:

AN ACT Relating to education; amending section 28A.01.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.025; amending section 2, chapter 46, Laws of 1973 as last amended by section 4, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.130; amending section 28A.58.180, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 105, Laws of 1972 ex. sess. and RCW 28A.58.180; amending section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2569, by Senators Odegaard, Talley, Conner, Bausch, von Reichbauer and Wanamaker:

AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2570, by Senators Hansen, Donohue and Benitz:

AN ACT Relating to special proceedings and actions; amending section 2, page 363, Laws of 1854 as last amended by section 26, Code of 1881 and RCW 4.16.020; amending section 398, page 205, Laws of 1854 as last amended by section 1, chapter 83, Laws of 1911 and RCW 7.28.010; amending section 1, chapter 11, Laws of 1893 and RCW 7.28.050; amending section 3, chapter 11, Laws of 1893 and RCW 7.28.070; amending section 4, chapter 11, Laws of 1893 and RCW 7.28.080; and creating a new section.

Referred to Judiciary Committee.

SENATE BILL NO. 2571, by Senators Hansen, Donohue and Benitz:

AN ACT Relating to environmental coordination procedures; amending section 2, chapter 185, Laws of 1973 1st ex. sess. as amended by section 2, chapter 54, Laws of 1977 and RCW 90.62.020; amending section 4, chapter 185, Laws of 1973 1st ex. sess. as amended by section 3, chapter 54, Laws of 1977 and RCW 90.62.040; amending section 5, chapter 185, Laws of 1973 1st ex. sess. as amended by section 4, chapter 54, Laws of 1977 and RCW 90.62.050; amending section 6, chapter 185, Laws of 1973 1st ex. sess. as amended by section 5, chapter 54, Laws of 1977 and RCW 90.62.060; amending section 8, chapter 185, Laws of 1973 1st ex. sess. as amended by section 6, chapter 54, Laws of 1977 and RCW 90.62.080; amending section 9, chapter 185, Laws of 1973 1st ex. sess. as amended by section 7, chapter 54, Laws of 1977 and RCW 90.62.090; amending section 10, chapter 185, Laws of 1973 1st ex. sess. as amended by section 8, chapter 54, Laws of 1977 and RCW 90.62.100; amending section 11, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.110; amending section 9, chapter 54, Laws of 1977 and RCW 90.62.130; and amending section 13, chapter 185, Laws of 1973 1st ex. sess. and RCW 90.62.900.

Referred to Committee on Ecology.

SENATE BILL NO. 2572, by Senators Fleming and Wanamaker (by Department of Commerce and Economic Development request):

AN ACT Relating to small and minority businesses; amending section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.915; amending section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.920; amending section 3, chapter 70, Laws

of 1977 ex. sess. and RCW 43.31.925; amending section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.930; amending section 4, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.650; adding new sections to chapter 39.04 RCW; adding a new section to chapter 39.08 RCW; and adding new sections to chapter 42.24 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2573, by Senators Matson, Goltz, Clarke, Talmadge and Newschwander:

AN ACT Relating to reapportionment and redistricting; creating a new chapter in Title 44 RCW; and providing a contingent effective date.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2574, by Senators Rasmussen, Morrison and Sellar (by Executive request):

AN ACT Relating to agricultural labor parks; adding new sections to chapter 70.114 RCW; and making appropriations.

Referred to Committee on State Government.

SENATE BILL NO. 2575, by Senator Conner:

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

Referred to Committee on Natural Resources.

SENATE BILL NO. 2576, by Senators Hansen, Gaspard and Benitz:

AN ACT Relating to agricultural cooperative associations; and amending section 22, chapter 115, Laws of 1921 and RCW 24.32.300.

Referred to Committee on Agriculture.

SENATE BILL NO. 2577, by Senators Bluechel, Henry and Clarke:

AN ACT Relating to lease of state owned harbor areas; and amending section 3, chapter 93, Laws of 1917 and RCW 53.32.050.

Referred to Committee on Local Government.

SENATE BILL NO. 2578, by Senators Talley, Morrison, Van Hollebeke, McDermott and Ridder:

AN ACT Relating to unemployment compensation; and amending section 73, chapter 35, Laws of 1945 as last amended by section 4, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.050.

Referred to Committee on Labor.

SENATE BILL NO. 2579, by Senators Lewis, Goltz, McDermott and Van Hollebeke:

AN ACT Relating to crimes against children; amending section 9A.88.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.070; adding new sections to chapter 260, Laws of 1975 1st ex. sess. and to chapter 9A.88 RCW; defining crimes; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2580, by Senators Lysen, Morrison, Van Hollebeke, Quigg, Walgren, Rasmussen, Shinpoch, Gaspard and Woody:

AN ACT Relating to the adjustment of workers' compensation benefits; and amending section 2, chapter 286, Laws of 1975 1st ex. sess. as amended by section 2, chapter 202, Laws of 1977 ex. sess. and RCW 51.32.075.

Referred to Committee on Labor.

SENATE BILL NO. 2581, by Senators Wojahn and Pullen (by State Employees Insurance Board request):

AN ACT Relating to state employees insurance and health care; amending section 1, chapter 39, Laws of 1970 ex. sess. as last amended by section 2, chapter

106. Laws of 1975-'76 2nd ex. sess. and RCW 41.05.010; and amending section 2, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.025.

Referred to Committee on State Government.

SENATE BILL NO. 2582, by Senators Ridder and Newschwander (by State Employees Insurance Board request):

AN ACT Relating to state employees' insurance and health care; and amending section 2, chapter 136, Laws of 1977 ex. sess. and RCW 41.05.025.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 119, by Senators Matson, Goltz, Clarke, Talmadge and Newschwander:

Amending the Constitution to direct redistricting by commission.

Referred to Committee on Constitution and Elections.

#### MOTION

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2569, 2573, 2578, 2579, 2580; SJR 119.

#### MOTION

At 10:15 a.m., on motion of Senator Marsh, the Senate recessed until 11:00 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:00 a.m.

#### MOTIONS

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

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-13.

#### MOTION

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

#### SENATE RESOLUTION 1979-13

By Senators Walgren, Odegaard, Matson, Newschwander, Gaspard and Bottiger:

WHEREAS, During the 45th session of the Washington State Legislature, the legislature passed into law: A definition of basic education, a limitation on excess special levies, and a biennial budget that funded the first two years of a proposed four year phase-in, to meet its constitutional mandate to fully fund basic education in this state; and

WHEREAS, The Supreme Court in September of 1978 accepted the legislature's proposed four year phase-in to fully fund basic education, and extended the date for compliance to 1981; and

WHEREAS, The Governor, in her 1979-81 biennial budget request, proposed fully funding our common schools in 1979-80 rather than 1980-81; and

WHEREAS, This is a meritorious proposal and deserves due consideration by the Legislature; however, the Legislature has not had sufficient time to evaluate its implication; and

WHEREAS, Local school districts are currently facing special levy elections prior to the time the legislature has made a determination of the merits of the proposal, local districts have no alternative but to assume that the state will continue the phasing plan for 100% funding of basic education by the 1980-81 school year:

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That we wish to make aware to the voters of this state that special levies are still important to the operation and maintenance of our common schools for basic education as well as special programs, and that we encourage voters to support special levy elections; and

BE IT FURTHER RESOLVED, That if the legislature should decide to approve full funding of schools in 1979-80 any special levy taxes approved that would be in excess of the amount local districts should receive will be returned to the taxpayers of this state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this Senate Resolution to members of the communications media for the information of the public.

### MOTION

On motion of Senator Walgren, the Senate returned to the sixth order of business.

### SECOND READING

SENATE BILL NO. 2165, by Senators Talley, Henry and Guess:

Replacing authority for the department of transportation to approve airport sites.

The Senate resumed consideration of Senate Bill No. 2165. On January 29, 1979 the bill was returned from third reading to second reading and amended by Senator Bottiger. On January 30, 1979 a pending amendment proposed by Senator Gould on January 29, 1979 was withdrawn. On motion of Senator Talley, Senate Bill No. 2165 was ordered placed on the second reading calendar following consideration of Senate Bill No. 2053.

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

On page 3, after line 7, insert the following:

**"NEW SECTION.** Sec. 3. For the purpose of site selection the provisions of this act do not take precedence over nor preempt county and/or city zoning ordinances or regulations now in existence or hereinafter enacted. The provisions contained herein are supplemental to any local ordinance or regulation which must be complied with prior to the operation of airport sites: **PROVIDED,** That airport sites in existence at the time of the effective date of this act which make application for licensure as provided herein and are in compliance with laws previously enacted may operate pending a determination by the department."

Remember the following section consecutively.

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 2165 was advanced to third reading, the second 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. 2165, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch,

Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—43.

Voting nay: Senators Lysen, Matson, Van Hollebeke, Williams—4.

Excused: Senators Hansen, Keefe—2.

ENGROSSED SENATE BILL NO. 2165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2053.

### SECOND READING

SENATE BILL NO. 2053, by Senator Bluechel:

Authorizing the formation of park and recreation districts containing portions of two counties.

### REPORT OF STANDING COMMITTEE

January 17, 1979.

SENATE BILL NO. 2053, authorizing the formation of park and recreation districts containing portions of two counties (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendments:

On page 1, line 5, after "two" insert "or more"

On page 1, line 18, after "county" insert "or counties"

On page 1, line 19, after "The" strike "two" and insert "county"

On page 1, line 21, after "the" strike "two"

On page 1, beginning on line 25, strike the remainder of the paragraph and insert "set a time for a hearing on the petition for the formation of a park and recreation district as prescribed in RCW 36.69.040.

(2) At the public hearing the legislative authority for each authority for each county shall fix the boundaries for that portion of the proposed park and recreation district that lies within the county as provided in RCW 36.69.050. Each county shall notify the other county or counties of the determination of the boundaries within ten days."

Renumber the remaining subsections consecutively.

On page 2, beginning on line 4, after "shall" strike the remainder of the subsection and insert "determine the name of the proposed joint district."

On page 2, after line 10, insert the following: "(4) If the proposed district encompasses portions of two counties, the county containing the portion of the district having the larger population shall divide the territory into three subdivisions and shall name three resident electors as prescribed by RCW 36.69.060. The county containing the territory having the smaller population shall divide that territory into two subdivisions and name two resident electors.

(5) If the proposed district encompasses portions of more than two counties, the district shall be divided into five subdivisions and resident electors shall be named as follows:

The number of subdivisions and resident electors to be established by each county shall reflect the proportion of population within each county portion of the proposed district in relation to the total population of the proposed district, provided that each county shall designate one subdivision and one resident elector."

Renumber the remaining subsection accordingly.

On page 3, beginning on line 1, strike "the county containing the territory having the smaller population," and insert "any one of the participating counties."

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Woody.

The bill was read the second time by sections.

On motion of Senator Bluechel, the committee amendments were considered and adopted simultaneously:

On motion of Senator Bluechel, the following amendments were considered and adopted simultaneously.

On page 1, line 30, after "the" strike "two".

On page 2, line 21, strike "majority of the" and insert "largest".

On page 3, line 15, after "affected." add the following:

"NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Bluechel, the following amendment to the title was adopted:

On page 1, line 1, of the title after "districts;" strike "and" and on line 2, after "RCW" insert "; and declaring an emergency."

On motion of Senator Bluechel, the rules were suspended, Engrossed Senate Bill No. 2053 was advanced to third reading, the second 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. 2053, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wjahn, Woody—47.

Excused: Senators Hansen, Keefe—2.

ENGROSSED SENATE BILL NO. 2053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2159, by Senators Conner, Odegaard and Peterson:

Changing certain procedures used in the sale and exchange of public lands and materials.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 2159 was advanced to third reading, the second 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. 2159, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Hansen, Keefe—2.

SENATE BILL NO. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2069, by Senators Henry, Wanamaker, Conner and Guess (by Department of Licensing request):

Permitting refund of vehicle license fees paid in advance and never used.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2069 was advanced to third reading, the second 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. 2069, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Hansen, Keefe—2.

SENATE BILL NO. 2069, having received the constitutional majority, 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. 2097, by Senators Conner, Henry and Hayner (by Joint Legislative Transportation Committee request):

Recognizing mopeds as motor vehicles for certain purposes.

### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2097 was substituted for Senate Bill No. 2097 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Conner, the rules were suspended, Substitute Senate Bill No. 2097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Henry, I was just curious about your moped and mine, but the question I have is, we need two, Senator, one for each foot, Roman style.

"On page two of the bill, it states that 'except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW but not for the purposes of chapter 46.70 RCW.' This is a little vague for the average person reading it. Of course we are very intelligent and we will understand that, but I presume

it relates to freeways and that mopeds will not be permitted on the freeways only in certain sections where bicycles are permitted now. So that section out by Fort Lewis where they say 'This is a bicycle trail'—mopeds can buzz out there?"

Senator Henry: "There is a short stretch in the freeway near Senator Talley's home where they are permitted too because there is no other way to get within the city limits, but otherwise they are prohibited from freeways and sidewalks."

Senator Rasmussen: "Thank you, Senator Henry."

#### ROLL CALL

The Secretary called the roll on the final passage of substitute Senate Bill No. 2097, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Wood—44.

Voting nay: Senators Jones, Matson, Wilson—3.

Excused: Senators Hansen, Keefe—2.

**SUBSTITUTE SENATE BILL NO. 2097**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:35 a.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, February 1, 1979.

**JOHN A. CHERBERG**, President of the Senate.

**SIDNEY R. SNYDER**, Secretary of the Senate.

## TWENTY-FIFTH DAY

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### MORNING SESSION

---

Senate Chamber, Olympia, Thursday, February 1, 1979.

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 Benitz, Donohue, Keefe, Matson and Scott. On motion of Senator Wilson, Senators Wilson, Senators Donohue, Keefe and Matson were excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Bea Luiten and Karrie Merrill, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"GRACIOUS GOD, CREATOR OF ALL THAT IS AND EVER WILL BE, TRUE AND ONLY RULER OF THE UNIVERSE, HEAR OUR SUPPLICATION ON BEHALF OF THIS THE SENATE OF THE STATE OF WASHINGTON NOW ASSEMBLED IN REGULAR SESSION. ENLIVEN THESE MEN AND WOMEN WITH A SENSE OF PURPOSE AND DIRECTION. REMOVED FAR FROM THEIR MIDST ALL PETTINESS OF THOUGHT AND ACTION AND PLACE AMONG THEM AN EVER INCREASING AWARENESS OF THE WHOLE PICTURE. REMIND US ALL THAT WE LIVE TO SERVE IN THE NAME OF HIM WHO WAS NOT ASHAMED TO BE CALLED SERVANT, JESUS THE CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

January 29, 1979.

SENATE BILL NO. 2060, revising the laws relating to health officers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 30, 1979.

SENATE BILL NO. 2101, increasing the maximum size of veterans' estates for which the director of veterans affairs may act as executor (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 30, 1979.

SENATE BILL NO. 2102, requiring the director of veterans affairs to set the value of support items furnished residents at the Colony of the State Soldier's Home (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 23, 1979.

SENATE BILL NO. 2141, revising the regulations of the practice of pharmacy (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2141 be substituted therefor, and that Substitute Senate Bill No. 2141 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 25, 1979.

SENATE BILL NO. 2252, adopting a transportation supplemental budget (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2252 be substituted therefor, and that Substitute Senate Bill No. 2252 do pass.

Signed by: Senators Henry, Chairman; Gallagher, Guess, Hansen, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2272, requiring continuing education for nurses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2315, making unlawful the obtaining of game licenses by fraud (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2321, authorizing the department of game to retain fees charged for information materials published by the department (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2322, authorizing the director of game to permit hunting from a vehicle when necessary to control wildlife populations (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2339, requiring certification of nursing assistants in nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2403, revising the law on billing municipal corporations for services rendered (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2405, renaming the department of game and the state game commission (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Quigg, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 31, 1979.

NICHOLAS D. LEWIS, to the position of chairman of the Washington State Energy Facility Site Evaluation Council, appointed by the Governor on October 1, 1977 for the term ending coextensive with the term of the Governor, succeeding Lawrence Bradley (reported by the Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Williams, Wilson, Woody.

Passed to Committee on Rules.

January 31, 1979.

DURAND A. COX, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on January 11, 1979 for the term ending December 31, 1984, succeeding himself (reported by the Committee on Parks and Recreation):

Recommends that said appointment be confirmed.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2583, by Senators Bluechel and Bausch:

AN ACT Relating to the sale of property; adding a new section to Title 19 RCW; adding a new section to chapter 19.86 RCW; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2584, by Senators Henry, Sellar and Talley:

AN ACT Relating to security forces for operating agencies; and adding new sections to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2585, by Senators Goltz, Clarke, Wilson and Lysen:

AN ACT Relating to tuition and fees of the state institutions of higher education; and amending section 13, chapter 322, Laws of 1977 ex. sess. and RCW 28B-.15.710.

Referred to Committee on Higher Education.

SENATE BILL NO. 2586, by Senator Day:

AN ACT Relating to local government boundary review boards; amending section 9, chapter 189, Laws of 1967 as last amended by section 1, chapter 127, Laws of 1971 ex. sess. and RCW 36.93.090; amending section 10, chapter 189, Laws of 1967 and RCW 36.93.100; amending section 14, chapter 189, Laws of 1967 and RCW 36.93.140; and amending section 16, chapter 189, Laws of 1967 as last amended by section 97, chapter 81, Laws of 1971 and RCW 36.93.160.

Referred to Committee on Local Government.

SENATE BILL NO. 2587, by Senators Day, Talley, Guess and McDermott:

AN ACT Relating to community support programs for the mentally ill; adding a new chapter to Title 71 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Day, the rules were suspended and Senator Guess was permitted as an additional sponsor to Senate Bill No. 2587.

SENATE BILL NO. 2588, by Senator Day:

AN ACT Relating to the healing arts and postsecondary education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2589, by Senators Day and Peterson:

AN ACT Relating to prescription drugs; amending section 2, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.110; amending section 3, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.120; amending section 4, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.130; amending section 5, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.140; amending section 6, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.150; amending section 7, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.160; and amending section 9, chapter 352, Laws of 1977 ex. sess. and RCW 69.41.180.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2590, by Senators McDermott and Ridder:

AN ACT Relating to and authorizing certain contracts by school districts; and amending section 1, chapter 210, Laws of 1977 ex. sess. and RCW 28A.58.131.

Referred to Committee on Education.

SENATE BILL NO. 2591, by Senators Conner, Rasmussen, Talley, Talmadge, Moore and Vognild:

AN ACT Relating to public employment; and amending section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04.010.

Referred to Committee on State Government.

SENATE BILL NO. 2592, by Senators Lysen, Vognild and Williams:

AN ACT Relating to industrial welfare; amending section 15, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.121; amending section 3, chapter 51, Laws of 1973 and RCW 49.12.123; amending section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2593, by Senators Lysen and Williams:

AN ACT Relating to labor; amending section 1, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.005; amending section 43.22.280, chapter 8, Laws of 1965 as last amended by section 4, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.280; amending section 8, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.105; amending section 17, chapter 174, Laws of 1913 as amended by section 16, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.170; adding new sections to chapter 49.12 RCW; repealing section 17, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.185; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2594, by Senators Lysen and Williams:

AN ACT Relating to hours of labor; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2595, by Senators Moore, Pullen and Jones:

AN ACT Relating to revenue and taxation; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; amending section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065; adding a new section to chapter 84.36 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2596, by Senators Moore, Vognild, Lysen, Fleming, Ridder and McDermott:

AN ACT Relating to agricultural employment under the industrial insurance laws; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 323, Laws of 1977 ex. sess. and RCW 51.12.020.

Referred to Committee on Labor.

SENATE BILL NO. 2597, by Senators Moore, Lysen, Fleming, Ridder, McDermott and Shinpoch:

AN ACT Relating to unemployment compensation coverage of agricultural employment; amending section 3, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.155; declaring an emergency; and prescribing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2598, by Senators Bottiger, Bluechel, Goltz, Lysen, Woody and North:

AN ACT Relating to energy; and adding a new chapter to Title 82 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2599, by Senators Peterson, Talley, Wanamaker and Vognild:

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

Referred to Committee on Natural Resources.

SENATE BILL NO. 2600, by Senators McDermott, North, Wojahn, Goltz and Talley:

AN ACT Relating to licensing social workers; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2601, by Senators Shinpoch, Gould, Donohue, Goltz, Scott and Guess:

AN ACT Relating to institutions of higher education; amending section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010; amending section 4, chapter 36, Laws of 1969 ex. sess. as amended by section 1, chapter 94, Laws of 1977 ex. sess. and RCW 28B.16.040; amending section 5, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.050; amending section 6, chapter 36, Laws of 1969 ex. sess. as amended by section 73, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.16.060; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 8, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.100; amending section 9, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.101; amending section 13, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.105; amending section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; amending section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; amending section 14, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.140; amending section 15, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.150; amending section 17, chapter 36, Laws of 1969 ex. sess. as amended by section 3, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.16.180; creating new sections; and adding a new section to chapter 36, Laws of 1969 ex. sess. and to chapter 28B-.16 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2602, by Senators Conner, Hansen, Bausch, Matson and Jones:

AN ACT Relating to alcoholic beverages; and amending section 90-A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 as last amended by section 1, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.020.

Referred to Committee on Commerce.

SENATE BILL NO. 2603, by Senator Conner:

AN ACT Relating to motorcycles; amending section 1, chapter 232, Laws of 1967 and RCW 46.20.500; amending section 50, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.505; amending section 49, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.527; amending section 4, chapter 232, Laws of 1967 as last amended by section 55, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.530; amending section 2, chapter 39, Laws of 1963 as last amended by section 2, chapter 76, Laws of 1977 and RCW 46.81.010; amending section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030; amending section 7, chapter 39, Laws of 1963 as amended by section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; amending section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81-.070; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.81 RCW; defining crimes; and providing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 2604, by Senator Rasmussen:

AN ACT Relating to the state register; and adding a new section to chapter 240, Laws of 1977 ex. sess. and to chapter 34.08 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2605, by Senators Bottiger, North and Woody:

AN ACT Relating to building standards; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.030; creating a new section; repealing section 1 through 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200 through 19.27.290; repealing section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300; repealing section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and repealing section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2606, by Senators Odegaard, Clarke, Rasmussen, Bluechel, Woody, Bausch and Lee (by Legislative Budget Committee request):

AN ACT Relating to juveniles; and adding a new chapter to Title 72 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2607, by Senators Van Hollebeke, Quigg and Morrison:

AN ACT Relating to business and professions; providing for the regulation of private security services and private investigation services; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE JOINT RESOLUTION NO. 120, by Senators Bottiger and Lewis:

Authorizing government utilities to loan money for energy conservation purposes.

Referred to Committee on Energy and Utilities.

SENATE CONCURRENT RESOLUTION NO. 106, by Senators Goltz, Clarke, Wilson and Lysen:

Establishing the Joint Legislative Committee on Washington/British Columbia cooperation.

Referred to Committee on State Government.

SENATE CONCURRENT RESOLUTION NO. 107, by Senators McDermott, Gould, Lee and Lysen:

Establishing a task force on children and families.

Referred to Committee on Social and Health Services.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2585, 2591, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2606, SCR 106, SCR 107.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Wilson, the appointment of Dean Cole as Director of the Planning and Community Affairs Agency was confirmed.

#### APPOINTMENT OF DEAN COLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North,

Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Donohue, Keefe, Matson, Scott—5.

MOTION

On motion of Senator Williams, the appointment of Louis R. Guzzo as State Historic Preservation Officer was confirmed.

APPOINTMENT OF LOUIS R. GUZZO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Keefe, Matson—3.

MOTION

On motion of Senator Jones, Senator Gould was excused.

MOTION

On motion of Senator Peterson, the appointment of Bob Smart as a member of the Forest Practices Appeals Board was confirmed.

APPOINTMENT OF BOB SMART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Matson—4.

MOTION

On motion of Senator Rasmussen, the appointment of Harold Walsh as a member of the Gambling Commission was confirmed.

APPOINTMENT OF HAROLD WALSH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoeh, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Van Hollebeke—1.

Excused: Senators Benitz, Gould, Keefe, Matson—4.

#### MOTION

On motion of Senator Rasmussen, the appointment of Elgin E. Ologg as a member of the Gambling Commission was confirmed.

#### APPOINTMENT OF ELGIN E. OLOGG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Guess—1.

Excused: Senators Benitz, Gould, Keefe, Matson—4.

#### MOTION

On motion of Senator Henry, the appointment of B. A. Shearer as a member of the Board of Pilotage Commissioners was confirmed.

#### APPOINTMENT OF B. A. SHEARER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Matson—4.

#### MOTION

On motion of Senator Henry, the appointment of Jim Blackmore as a member of the Board of Pilotage Commissioners was confirmed.

#### APPOINTMENT OF JIM BLACKMORE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoeh, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Matson—4.

## MOTION

On motion of Senator Henry, the appointment of Bert Holmes as a member of the Board of Pilotage Commissioners was confirmed.

## APPOINTMENT OF BERT HOLMES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Matson—4.

## MOTION

On motion of Senator Williams, the appointment of David A. Akana as a member of the Pollution Control Hearings Board was confirmed.

## APPOINTMENT OF DAVID A. AKANA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—42.

Absent or not voting: Senators Fleming, Hansen, Hayner, Wilson—4.

Excused: Senators Gould, Keefe, Matson—3.

## MOTION

On motion of Senator Henry, the appointment of Ray Aardal as a member of the State Transportation Commission was confirmed.

## APPOINTMENT OF RAY AARDAL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

## MOTION

On motion of Senator Henry, the appointment of Vaughn Hubbard as a member of the State Transportation Commission was confirmed.

### APPOINTMENT OF VAUGHN HUBBARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Henry, the appointment of Robert Mikalson as a member of the State Transportation Commission was confirmed.

### APPOINTMENT OF ROBERT MIKALSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Henry, the appointment of Richard Odabashian as a member of the State Transportation Commission was confirmed.

### APPOINTMENT OF RICHARD ODABASHIAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Goltz, the appointment of Don Anderson as a member of the Commission for Vocational Education was confirmed.

### APPOINTMENT OF DON ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2015.

### SECOND READING

SENATE BILL NO. 2015, by Senator Talley:

Designating an official dance for the state.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 2015 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 have no objection to designate this as square dance. My question would be, would this require this dance to be performed at every official function of the state if we designate the square dance as the official dance? Some of us like to do the Black Bottom and other things, you know.

"The reason I am asking that question, Mr. President and members of the Senate, sometime ago we arrived at what was to be the State Song and nobody has liked it ever since, no person ever sings it and I am wondering about the dance."

Senator Talley: "I think you will find that this is a little different than the song. It is keeping up with the times. It used to be Turkey In The Straw and everything like that and now you will find these square dancers are keeping up with the growth of the State and our music today."

### POINT OF INQUIRY

Senator Van Hollebeke: "Senator Talley, what other dances were considered before the decision was made to choose this one and promote it as the State Dance?"

Senator Talley: "Senator Van Hollebeke, I think every dance that was known was mentioned."

Senator Van Hollebeke: "Senator Talley, I have another question or two. Wasn't it true that this was found to be extremely popular and that there was really no objection to this being the State Dance?"

Senator Talley: "As far as I know, sir, yes."

Senator Van Hollebeke: "My third question is, Senator, why didn't you invite me to be a sponsor with you on this bill?"

Senator Talley: "Senator Van Hollebeke, I apologize that I didn't ask you."

### POINT OF INQUIRY

Senator Fleming: "Senator Talley, you said that they were trying to keep in tune with the times and I was just wondering on this matter. In the square dancing arenas, do they also have songs in the square dancing arenas with a little disco beat to it?"

Senator Talley: "Yes, I think they will have. Yes, I think so."

## POINT OF INQUIRY

Senator Peterson: "Senator, I have been getting a terrific amount of mail, I have had to put on an extra person on my secretarial staff, from my district. I am wondering if you would object if we struck 'square dancing' and inserted 'tar heel stomp'?"

Senator Talley: "I can see your point but I would be very reluctant to do it, Senator Peterson."

Debate ensued.

## POINT OF INQUIRY

Senator Quigg: "Senator Talley, I have received quite a bit of mail and comments from the nineteenth district in support of the square dance as a state dance but true to the district's form, there is some concern about the cost of government and ask that I check to see that there not be any commissions set up to inspect callers or designate steps and so forth thereby expand the large burden of government we are saddled with already. What can I tell my constituents?"

Senator Talley: "I think you can assure your constituency we have no intention of that. The only consideration, you should tell the people in your district that you have a square dance that goes on every low tide, they get out there and stomp the clams."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2015, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Fleming, Scott—2.

Excused: Senator Keefe—1.

SENATE BILL NO. 2015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2033.

On motion of Senator Walgren, Senate Bill No. 2033 was rereferred to the Committee on State Government.

On motion of Senator Walgren, the Committee on Local Government was relieved from further consideration of Senate Bill No. 2584.

On motion of Senator Walgren, Senate Bill No. 2584 was rereferred to the Committee on Energy and Utilities.

## MOTION

At 11:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:30 p.m.

NOON SESSION

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

MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, February 2, 1979.

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

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**TWENTY-SIXTH DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Friday, February 2, 1979.

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, Guess and Keefe. On motion of Senator Wilson, Senators Bottiger and Keefe were excused. On motion of Senator Jones, Senator Guess was excused.

The Color Guard, consisting of Pages Janis Reimer and Brenda McKinley, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"GREAT GOD OF HEAVEN AND EARTH, SOVEREIGN LORD OF EARTH AND SEA AND SPACE, WE APPROACH YOU IN FULL KNOWLEDGE OF OUR TINY INSIGNIFICANCE ALONGSIDE YOUR MAJESTY AND GRANDEUR. AS A CONSEQUENCE WE BEG YOUR GUIDANCE FOR THESE YOUR SERVANTS, THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON NOW ASSEMBLED IN REGULAR SESSION. ENLIGHTEN EACH AND EVERY ONE OF THEM WITH THE LIGHT OF TRUTH, HONESTY AND FORBEARANCE. INCLINE THEIR HEARTS TO HEAR AND KEEP YOUR LAW AND DIRECT US ALL IN THE ACCOMPLISHMENTS OF YOUR PURPOSE FOR YOUR PEOPLE THROUGH OUR ONLY LORD AND SAVIOUR JESUS CHRIST. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SENATE BILL NO. 2017, allowing boards of county commissioners to expand to five members (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

January 30, 1979.

SENATE BILL NO. 2058, regulating leasing of public lands (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2058 be substituted therefor, and that Substitute Senate Bill No. 2058 do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2117, changing certain sewerage improvement districts to sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2117 be substituted therefor, and that Substitute Senate Bill No. 2117 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2173, revising the laws relating to court commissioners (reported by Judiciary Committee):

Recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2181, revising the inheritance and gift tax laws (reported by Committee on Ways and Means):

Recommendation: That Substitute Senate Bill No. 2181 be substituted therefor, and that Substitute Senate Bill No. 2181 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1979.

SENATE BILL NO. 2182, revising the gift tax (reported by Committee on Ways and Means):

Recommendation: That Substitute Senate Bill No. 2182 be substituted therefor, and that Substitute Senate Bill No. 2182 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2221, revising law relating to medical malpractice (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2229, revising the criminal code (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 2, 1979.

SENATE BILL NO. 2236, providing collective bargaining rights for certain personnel of institutions of higher education (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2268, modifying the procedures for county road administration (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2268 be substituted therefor, and that Substitute Senate Bill No. 2268 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2290, revising the powers of the Department of Transportation relative to highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Guess, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2291, modifying permissible expenditures from the state highway fund and ratifying transfers to the state highway fund (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2291 be substituted therefor, and that Substitute Senate Bill No. 2291 do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Guess, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2341, modifying maximum size restrictions on motor vehicles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2343, authorizing truck semitrailers to pull a second trailer (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1979.

SENATE BILL NO. 2354, modifying the requirements for publication of the call for bids for highway projects (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Guess, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2398, modifying procedures for the replacement of lost or destroyed state warrants (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2399, modifying state reimbursement for care of county prisoners (reported by Committee on State Government):

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2408, authorizing the director of financial management to evaluate and satisfy certain sundry claims against the state (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2412, modifying procedures for payment of travel expenses of state employees (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

February 1, 1979.

ANSON BLAKER, to the position of member of the Public Employees' Retirement Board appointed by the Governor on December 19, 1977 for the term ending at the pleasure of the Governor (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules.

February 1, 1979.

JUSTIN LEE, to the position of member of the Public Employees' Retirement Board, appointed by the Governor on December 19, 1977 for the term ending at the pleasure of the Governor (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules.

February 1, 1979.

JOHN D. RICHMOND, to the position of member of the Public Employees' Retirement Board, appointed by the Governor on December 19, 1977 for the term ending at the pleasure of the Governor (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules.

February 1, 1979.

TAUL WATANABE, to the position of member of the State personnel Board, appointed by the Governor on January 4, 1979 for the term ending January 4, 1985, succeeding himself (reported by the Committee on State Government)

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gould, Wanamaker.

#### MOTION

Senator Rasmussen moved the rules be suspended and the Senate immediately consider the confirmation of Taul Watanabe.

#### POINT OF INQUIRY

Senator Walgren: "Senator Rasmussen, do you know of any other proposed conferees that require this same expedition?"

Senator Rasmussen: "No, this is a special provision that is provided in RCW 41 for the members of the personnel board only."

The motion by Senator Rasmussen carried and the Senate commenced consideration of the confirmation of Taul Watanabe.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT MOTION

On motion of Senator Rasmussen, the appointment of Taul Watanabe as a member of the State Personnel Board was confirmed.

#### APPOINTMENT OF TAUL WATANABE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bottiger, Guess, Keefe—3.

#### PRESIDENT'S PRIVILEGE

The President announced the presence in the Senate of former Senator and Mrs. Damon R. Canfield and former Senator Dewey Donohue. The guests were seated upon the rostrum. The visiting guests were given a standing ovation by the members and staff of the Senate.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2608, by Senators Keefe, Guess, Lewis and Day (by Department of Transportation request):

AN ACT Relating to the Spokane river toll bridge; amending section 47.56-.220, chapter 13, Laws of 1961 and RCW 47.56.220; adding new sections to chapter 47.56 RCW; repealing section 1, chapter 117, Laws of 1969 ex. sess. and RCW 47.56.710; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

MOTION

On motion of Senator Day, the rules were suspended and Senator Day was permitted as an additional sponsor on Senate Bill No. 2608.

**SENATE BILL NO. 2609**, by Senators Morrison and Wanamaker (by Department of Commerce and Economic Development request):

AN ACT Relating to prevailing wages on public works projects; amending section 3, chapter 63, Laws of 1945 as amended by section 1, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.010; amending section 2, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.015; amending section 1, chapter 63, Laws of 1945 as amended by section 1, chapter 14, Laws of 1967 ex. sess. and RCW 39.12.020; amending section 1, chapter 93, Laws of 1963 and RCW 39.12.021; amending section 2, chapter 63, Laws of 1945 and RCW 39.12.030; adding a new section to chapter 39.12 RCW; repealing section 4, chapter 63, Laws of 1945, section 3, chapter 133, Laws of 1965 ex. sess., section 1, chapter 49, Laws of 1975-'76 2nd ex. sess. and RCW 39.12.040; and repealing section 2, chapter 49, Laws of 1975-'76 2nd ex. sess. and RCW 39.12.042.

Referred to Committee on Labor.

**SENATE BILL 2610**, by Senators Shinpoch, Scott, Goltz, Talley, Odegaard, Gould, Morrison, Bausch, Ridder, Newschwander, Walgren, Conner and Lee:

AN ACT Relating to institutions of higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2611**, by Senators Wanamaker and Lee (by Department of Commerce and Economic Development request):

AN ACT Relating to industrial safety and health; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor.

**SENATE BILL NO. 2612**, by Senators Pullen, Rasmussen, von Reichbauer, Lewis, Lee, Hayner, Vognilid and Lysen:

AN ACT Relating to education: adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW; and providing penalties.

Referred to Committee on Education.

**SENATE BILL NO. 2613**, by Senator Day:

AN ACT Relating to domestic violence; adding a new chapter to Title 10 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2614**, by Senator Day:

AN ACT Relating to hospitals and providing sales and use tax deferrals for projects relating thereto; and adding a new chapter to Title 70 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2615**, by Senators Wilson, Shinpoch, Sellar, Goltz and Hayner:

AN ACT Relating to meetings of local government and other public agencies; and amending section 11, chapter 250, Laws of 1971 ex. sess. as amended by section 2, chapter 66, Laws of 1973 and RCW 42.30.110.

Referred to Committee on Local Government.

SENATE BILL NO. 2616, by Senators Bausch, von Reichbauer, Morrison, Ridder and Vognild:

AN ACT Relating to alcoholic beverages; and amending section 1, chapter 96, Laws of 1973 1st ex. sess. and RCW 66.44.316.

Referred to Committee on Commerce.

SENATE BILL NO. 2617, by Senators Jones, Benitz, Bluechel, Hayner, Clarke, Lee, Lewis, Newschwander and Morrison:

AN ACT Relating to the transportation of property; amending section 80.01-.040, chapter 14, Laws of 1961 and RCW 80.01.040; amending section 81.04.250, chapter 14, Laws of 1961 and RCW 81.04.250; amending section 81.80.020, chapter 14, Laws of 1961 and RCW 81.80.020; amending section 1, chapter 33, Laws of 1969 as amended by section 17, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.060; amending section 81.80.080, chapter 14, Laws of 1961 and RCW 81.80-.080; amending section 81.80.100, chapter 14, Laws of 1961 and RCW 81.80.100; amending section 81.80.130, chapter 14, Laws of 1961 and RCW 81.80.130; amending section 81.80.140, chapter 14, Laws of 1961 and RCW 81.80.140; repealing section 81.80.150, chapter 14, Laws of 1961, section 11, chapter 115, Laws of 1973 and RCW 81.80.150; repealing section 81.80.220, chapter 14, Laws of 1961 and RCW 81.80.220; repealing section 81.80.230, chapter 14, Laws of 1961 and RCW 81.80.230; and repealing section 81.80.240, chapter 14, Laws of 1961 and RCW 81.80.240.

Referred to Committee on Transportation.

SENATE BILL NO. 2618, by Senators Bausch, Day and Clarke:

AN ACT Relating to banks and trust companies; and amending section 30.28-.010, chapter 33, Laws of 1955 and RCW 30.28.010.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2619, by Senator Talmadge:

AN ACT Relating to planning and community affairs; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2620, by Senator Donohue (by Department of Revenue request):

AN ACT Relating to unclaimed property; and adding a new section to chapter 385, Laws of 1955 and to chapter 63.28 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2621, by Senator Donohue (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 43, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.140; amending section 47, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.180; amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 324, Laws of 1977 ex. sess. and RCW 82.12.020; amending section 82.32.030, chapter 15, Laws of 1961 as amended by section 77, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.030; amending section 82.32.130, chapter 15, Laws of 1961 as last amended by section 81, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.130; amending section 82.32.340, chapter 15, Laws of 1961 as last amended by section 4, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.340; adding a new section to chapter 15, Laws of 1961 and to chapter 82.12 RCW; adding a new section to chapter 15, Laws of 1961 and to

chapter 82.32 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2622, by Senators Pullen, Henry, Talley, Sellar and Lee: AN ACT Relating to special purpose districts; adding a new section to chapter 56.02 RCW; and adding a new section to chapter 57.02 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2623, by Senators Matson, Benitz, Lee, Hayner, Newschwander, Guess and Jones:

AN ACT Relating to local governments; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2624, by Senators Matson and Guess:

AN ACT Relating to local governments; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2625, by Senators Matson, Benitz, Newschwander, Hayner and Guess:

AN ACT Relating to cigarette sales; amending section 82.24.130, chapter 15, Laws of 1961 as amended by section 5, chapter 157, Laws of 1972 ex. sess. and RCW 82.24.130; amending section 6, chapter 157, Laws of 1972 ex. sess. and RCW 82.24.250; repealing section 1, chapter 286, Laws of 1957, section 20, chapter 26, Laws of 1967 ex. sess. and RCW 19.91.010; repealing section 2, chapter 286, Laws of 1957 and RCW 19.91.020; repealing section 3, chapter 286, Laws of 1957 and RCW 19.91.030; repealing section 4, chapter 286, Laws of 1957 and RCW 19.91.040; repealing section 5, chapter 286, Laws of 1957 and RCW 19.91.050; repealing section 6, chapter 286, Laws of 1957 and RCW 19.91.060; repealing section 7, chapter 286, Laws of 1957 and RCW 19.91.070; repealing section 8, chapter 286, Laws of 1957, section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080; repealing section 9, chapter 286, Laws of 1957 and RCW 19.91.090; repealing section 10, chapter 286, Laws of 1957 and RCW 19.91.100; repealing section 11, chapter 286, Laws of 1957 and RCW 19.91.110; repealing section 12, chapter 286, Laws of 1957 and RCW 19.91.120; repealing section 13, chapter 286, Laws of 1957, section 14, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.130; repealing section 14, chapter 286, Laws of 1957, section 15, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.140; repealing section 15, chapter 286, Laws of 1957, section 16, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.150; repealing section 16, chapter 286, Laws of 1957 and RCW 19.91.160; repealing section 17, chapter 286, Laws of 1957 and RCW 19.91.170; repealing section 18, chapter 286, Laws of 1957, section 17, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.180; repealing section 19, chapter 286, Laws of 1957, section 1, chapter 172, Laws of 1959 and RCW 19.91.190; repealing section 20, chapter 286, Laws of 1957 and RCW 19.91.900; and repealing section 21, chapter 286, Laws of 1957 and RCW 19.91.910.

Referred to Committee on Commerce.

SENATE BILL NO. 2626, by Senators Bausch, Wojahn and Wanamaker:

AN ACT Relating to transaction accounts for savings and loan associations; amending section 10, chapter 107, Laws of 1969 and RCW 33.20.190; and amending section 30, chapter 235, Laws of 1945 and RCW 33.12.020.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2627, by Senators Donohue and Talley:

AN ACT Relating to revenue and taxation; adding new sections to chapter 84.48 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2628, by Senators Hayner, Woody, Lee, Guess, Newschwander, Conner and Vogndil:

AN ACT Relating to state institutions; adding a new chapter to Title 72 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2629, by Senators Lysen, Morrison and Conner (by Employment Security Department request):

AN ACT Relating to the employment security department records; and amending section 6, chapter 153, Laws of 1977 ex. sess. and RCW 50.13.060.

Referred to Committee on Labor.

SENATE BILL NO. 2630, by Senators Lysen and Morrison (by Employment Security Department request):

AN ACT Relating to the migrant labor housing project in Yakima county; amending section 1, chapter 125, Laws of 1974 ex. sess. as last amended by section 1, chapter 287, Laws of 1977 ex. sess. and RCW 70.114.010; amending section 4, chapter 125, Laws of 1974 ex. sess. as last amended by section 2, chapter 287, Laws of 1977 ex. sess. and RCW 70.114.020; making an appropriation; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2631, by Senators Goltz, Ridder, Gould, McDermott and Vogndil:

AN ACT Relating to community colleges; and amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 2, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.520.

Referred to Committee on Higher Education.

SENATE BILL NO. 2632, by Senators Gaspard, Jones and Walgren:

AN ACT Relating to securities regulation; and amending section 6, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.705.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2633, by Senator Van Hollebeke:

AN ACT Relating to revenue and taxation; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; adding new sections to chapter 90, Laws of 1970 ex. sess. and to chapter 82.14 RCW; and declaring an emergency.

Referred to Committee on Transportation.

## MOTION

On motion of Senator Marsh, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2608, 2610, 2612, 2615, 2616, 2617, 2622, 2623, 2625, 2628, 2629, 2631.

## MOTION

At 10:38 a.m., on motion of Senator Marsh, the Senate recessed until 12:00 noon.

## NOON SESSION

The President called the Senate to order at 12:00 noon.

## PRESIDENT'S PRIVILEGE

The President introduced Major General John K. Singlaub, United States Army, Retired. Major General Singlaub is a guest, today, of Representative Bruce Addison of the thirty-fourth district, Seattle. The Major General was accompanied by Major General John W. Barnes. The guests observed the action in the Senate from the rostrum.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2078.

## SECOND READING

SENATE BILL NO. 2078, by Senator von Reichbauer (by Washington State Patrol request):

Increasing the fee required for release of accident records.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 2078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Bottiger: "Senator von Reichbauer, my insurance company keeps blaming all kinds of things for the increase in the premium. Was there any testimony as how this would affect our insurance premiums since they order most of the accident reports?"

Senator von Reichbauer: "No, Senator Bottiger, there was no testimony at the hearing and I have always felt that when my insurance agent has told me that the high cost of premiums were rising that they usually blamed the attorneys."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2078, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

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

Excused: Senator Keefe—1.

SENATE BILL NO. 2078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2066, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

Making various changes in the taxation of travel trailers and campers.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talley: "Senator Henry, there is no staggered license on campers and trailers. It says 'annual license'. If they don't license, if they only license say in July for the period of the year, they have to pay the whole year?"

Senator Henry: "It is the same law that exists now except they don't have to pick up the back years. It has nothing to do with triple trailers either."

Senator Talley: "Thank you very much for that remark."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2066, and the bill passed the Senate by the following vote: Yeas, 47, absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Clarke—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator McDermott: "Mr. President and members of the Senate, I would like to join Senator Magnuson and Mayor Royer of Seattle and other dignitaries in Seattle in welcoming to the State of Washington Their Excellencies Deng Xiaoping, Huang Hua and Fang Yi.

"They are concluding a visit to the United States which is a memorable visit. We have not had people from the mainland of China for nearly thirty years in this country and we, in Washington, already have a relationship with them which I think is one that we should be very pleased with.

"The selection of Washington airplanes at the Boeing Company; the selection of Paccar trucks, Kenworth trucks for the oil industry which is going to develop in China; and the selection of our wheat, is an indication of their feeling toward us and I would like to welcome them personally at this time.

"Thank you."

MOTION

At 12:15 p.m., on motion of Senator Walgren, the Senate adjourned until 12:00 noon, Monday, February 5, 1979.

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

TWENTY-NINTH DAY

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NOON SESSION

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Senate Chamber, Olympia, Monday, February 5, 1979.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Erika Sherman and Alberg Winsor, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"GOOD NOON, LORD. IT IS MONDAY AND OUR MENTAL WHEELS CRY FOR THE OIL OF WISDOM AND STRENGTH AS GIFTS FROM YOU. YOU HAVE IN HOLY WRIT SAID, 'STUDY TO SHOW YOURSELF APPROVED, A WORKMAN THAT NEEDS NOT BE ASHAMED, RIGHTLY DIVIDING THE WORD OF TRUTH'.

"WE PAUSE IN GRATITUDE THAT YOU HAVE PERMITTED US TO BE INSTRUMENTS IN ASSURING INSTRUCTION FOR THE YOUTH AND ADULTS OF THIS STATE, THAT ALL MAY 'RIGHTLY DIVIDE THE TRUTH'.

"AND, AS WE PAUSE, WE ASK FOR GREATER VISION FOR THOSE WHO TOMORROW STEP INTO VOTING BOOTHS TO DECIDE THE FUTURE OF OUR EDUCATIONAL SYSTEMS IN VARIOUS COMMUNITIES. BRING TO THEIR MIND, AND OURS, THE TRUTH THAT IN A COMPLEX WORLD WE NEED FAR MORE THAN JUST THE BASICS IN LEARNING."

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

January 31, 1979.

SENATE BILL NO. 2226, permitting a port district to own property in another port district (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2226 be substituted therefor, and that Substitute Bill No. 2226 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Sellar, Talley.  
Passed to Committee on Rules for second reading.

February 1, 1979.

SENATE BILL NO. 2310, authorizing state treasurer to make certain payments of wages and state funded benefits directly to financial institutions (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2310 be substituted therefor, and that Substitute Senate Bill No. 2310 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 2, 1979.

SENATE BILL NO. 2473, providing for use of moneys derived from sale of state parks land (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Woody, Wojahn.

Passed to Committee on Rules for second reading.

### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Consul General Hans Jorgen Assing of Denmark. The President appointed Senators Walgren, Newschwander, Woody, Hayner, Hansen and Quigg as a committee of honor to escort the distinguished guest to a place of honor on the Senate rostrum.

### REMARKS BY THE PRESIDENT

President Cherberg: Respected and esteemed members of the Senate, ladies and gentlemen, it is indeed a pleasure for all of us, I am sure, to be able to welcome such an outstanding personality as our welcome visitor this morning. The Honorable Consul General Hans J. Assing is the new Danish Consul General and is responsible for Danish Affairs in the thirteen Western States. Queen Margareta appointed Mr. Assing Consul General in 1978 but prior to that this fine gentleman has served in the legal department ministry of foreign affairs for five years in Copenhagen before starting his residence in Los Angeles, California. Even before that this person who is so young in appearance has served as Deputy Counsel General in Chicago, Illinois; served as Secretary of Embassy in Belgrade, Yugoslavia and Charge of Affairs in Athens, Greece. He has a wonderful family of three beautiful daughters, two are with him in America and one of which is an American citizen. He is also accompanied by his wife, Bertha.

"It is my pleasure and distinct privilege at this time to present to you The Honorable Consul General Hans J. Assing of Denmark."

### REMARKS BY CONSUL GENERAL HANS JORGEN ASSING

Consul General Assing: "Thank you very much, Lieutenant Governor Cherberg for the more than kind words and Honorable Members of the Washington State Senate, ladies and gentlemen, I am very pleased to have this opportunity to visit—I have, with shame to admit for the first time in my life—your beautiful state and to speak briefly about some of Denmark's attributes which could become of significance not only for Denmark but also for Alaska and the State of Washington.

"Denmark and the State of Washington have had the opportunity to host trade missions from each others countries on several occasions in the past year. I think this is a very positive, wonderful sign for growing friendship and relationship between two states that really in a number of ways have a lot in common.

"The Danish Trade Mission which traveled to Alaska in March and June, 1978 held a symposium here on bottom fisheries and made subsequent business contracts in the Seattle areas on both occasions. As recently as November of last year, Lieutenant Governor Cherberg led the Washington State Trade Mission which visited Denmark and several other European countries and also included members of this legislature, business leaders and representatives from the State of Washington.

"In the past two years, the Danish government has become increasingly aware of the potential of developing the bottom fishing industry in Alaska. With the 200-mile territorial limit and depreciating catches of salmon and other food fish, American fishermen have been looking to bottom fisheries as a viable addition to their catch and to the food source and to lucrative interest rates for them to enter.

"Danish fishing industry, we feel, can offer American fishermen the expertise, the fishing equipment, and the processing and marketing knowledge to catch and utilize what has been called, rightfully so, Alaska's renewable resource. The effect of increased fishing activity in the Alaska waters will, of course, be an important economic impact also here in Seattle and in the whole State of Washington. Many of the Alaska seafood processors operate boats in Alaska and in Washington and during my first visit to the State of Washington, I will be meeting with heads of industry firms connected with the fishing industry to discuss the know-how which the Danish fishing industry hopes to be able to provide.

"Again, thank you very much for this opportunity to meet with you. I hope and trust that I will have many more opportunities in the future to become acquainted with you, with the State of Washington, and to meet more of you on a personal basis.

"I have just been in the Chambers of the Lieutenant Governor where I met so many open, kind, friendly people that I felt it was more or less like a homecoming. So many persons of Scandinavian background even Danish background were there also that I felt more than on any previous occasion since my arrival that I was in a wonderful, relaxed and friendly atmosphere so I have all kinds of good reasons to come back and I realize now the truth of what I saw in a Welcome Address in a Tourist Book in my hotel this morning when your Honorable Governor ended by saying 'wonderful things happen in Washington'. I felt it was true and I will certainly come back to explore it still further because there is no end to wonders.

"Thank you very much and thank you for welcoming me to this fine place."

#### REMARKS BY THE PRESIDENT

President Cherberg: "Thank you ever so much, Mr. Consul General, for your very interesting and informative remarks. You have offered evidence, indeed, why you are such a grand success in the area of diplomacy and international relations.

"In behalf and in recognition of your wonderful cooperation and your visit to the Evergreen State, may we have the pleasure of representing the three and one-half million people of our state and the Washington State Senate in designating you as honorary and distinguished citizen of the State of Washington."

#### REMARKS BY CONSUL GENERAL ASSING

Consul General: "Thank you, thank you for this great honor."

#### REMARKS BY THE PRESIDENT

President Cherberg: "The Honorable Consul General has been accompanied this morning by several distinguished gentlemen. With the consent of the Senate, the President should like to exercise the privilege of introducing The Honorable George Rasmussen, Consul and Commercial Attache of Denmark; The Honorable Hartly Kruger, Honorary Consul of Denmark for the State of Washington; The Honorable Martin Metzon, Vice Consul of Denmark for the State of Washington; and Leif Eie, Area Manager for SAS Airlines."

The committee of honor escorted Consul General Assing from the Senate Chamber to the office of the Lieutenant Governor.

The committee was discharged.

#### MESSAGES FROM THE HOUSE

February 2, 1979.

Mr. President: The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 29,

HOUSE BILL NO. 44,  
 SUBSTITUTE HOUSE BILL NO. 51,  
 HOUSE BILL NO. 69,  
 SUBSTITUTE HOUSE BILL NO. 99,  
 SUBSTITUTE HOUSE BILL NO. 105,  
 SUBSTITUTE HOUSE BILL NO. 112,  
 HOUSE BILL NO. 127,

ENGROSSED HOUSE BILL NO. 178, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 2, 1979.

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

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 2, 1979.

Mr. President: The House has adopted: HOUSE JOINT MEMORIAL NO. 4, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2634, by Senators Wojahn, Bausch and Wanamaker:

AN ACT Relating to savings and loan associations; amending section 8, chapter 280, Laws of 1959 and RCW 33.08.120; amending section 4, chapter 122, Laws of 1955 as last amended by section 7, chapter 107, Laws of 1969 and RCW 33.48.030; adding a new section to chapter 33.08 RCW; adding a new section to chapter 33.24 RCW; and adding a new section to chapter 33.48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2635, by Senator Bausch:

AN ACT Relating to savings and loan associations; amending section 119-A, chapter 235, Laws of 1945 and RCW 33.04.010; and adding a new chapter to Title 33 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2636, by Senator Bausch:

AN ACT Relating to public depositaries; amending section 28A.58.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.440; amending section 1, chapter 6, Laws of 1951 and RCW 33.52.010; amending section 35.39.040, chapter 7, Laws of 1965 as last amended by section 1, chapter 211, Laws of 1969 ex. sess. and RCW 35.39.040; amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 140, Laws of 1973 1st ex. sess. and RCW 36.29.020; amending section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1977 ex. sess. and RCW 39.58.010; amending section 2, chapter 193, Laws of 1969 ex. sess. as amended by section 10, chapter 126, Laws of 1973 and RCW 39.58.020; amending section 4, chapter 193, Laws of 1969 ex. sess. as amended by section 2, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.040; amending section 5, chapter 193, Laws of 1969 ex. sess. as last amended by section 3, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.050; amending section 6, chapter 193, Laws of 1969 ex. sess. as amended by section 12, chapter 126, Laws of 1973 and RCW 39.58.060; amending section 10, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.100; amending section 5, chapter 77, Laws of 1975 1st ex. sess. and

RCW 39.58.105; amending section 6, chapter 77, Laws of 1975 1st ex. sess. and RCW 39.58.108; amending section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110; amending section 13, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.130; amending section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 251, Laws of 1977 ex. sess. and RCW 43.84.150; amending section 43.85.010, chapter 8, Laws of 1965 as last amended by section 7, chapter 77, Laws of 1975 1st ex. sess. and RCW 43.85.010; amending section 43.85.020, chapter 8, Laws of 1965 and RCW 43.85.020; amending section 43.85.210, chapter 8, Laws of 1965 and RCW 43.85.210; amending section 43.85.230, chapter 8, Laws of 1965 and RCW 43.85.230; amending section 1, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.250; amending section 2, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.260; amending section 1, chapter 123, Laws of 1973 and RCW 43.86A.010; amending section 15, chapter 103, Laws of 1959 as amended by section 2, chapter 140, Laws of 1973 1st ex. sess. and RCW 56.16.160; amending section 16, chapter 108, Laws of 1959 as amended by section 3, chapter 140, Laws of 1973 1st ex. sess. and RCW 57.20.160; and adding new sections to chapter 39.58 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2637, by Senators Sellar and Hansen:

AN ACT Relating to superior court judges; amending section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.062; and amending section 7, chapter 125, Laws of 1951 as last amended by section 4, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.065; creating a new section; and declaring an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2638, by Senators Bausch and Clarke (by Department of General Administration request):

AN ACT Relating to risk management; amending section 1, chapter 79, Laws of 1921 as last amended by section 1, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.060; amending section 2, chapter 79, Laws of 1921 as last amended by section 2, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.070; amending section 8, chapter 159, Laws of 1963 as amended by section 4, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 as amended by section 5, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.150; amending section 11, chapter 159, Laws of 1963 as last amended by section 2, chapter 228, Laws of 1977 ex. sess. and RCW 4.92.170; amending section 5, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.050; amending section 15.24.150, chapter 11, Laws of 1961 and RCW 15.24.150; amending section 23, chapter 129, Laws of 1969 and RCW 15.26.230; amending section 15.28.190, chapter 11, Laws of 1961 and RCW 15.28.190; amending section 15.44.050, chapter 11, Laws of 1961 and RCW 15.44.050; amending section 19, chapter 87, Laws of 1961 and RCW 15.63.190; amending section 15.66.190, chapter 11, Laws of 1961 and RCW 15.66.190; amending section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 25, Laws of 1972 ex. sess. and RCW 28B.10.310; amending section 28B.20.110, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.110; amending section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 62, Laws of 1973 and RCW 28B.30.100; amending section 28B.30.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.130; amending section 28B.30.135, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.135; amending section 1, chapter 52, Laws of 1977 and RCW 28B.40.195; amending section 1, chapter 331, Laws of 1977 ex. sess. and RCW 28B.50.142; amending section 2, chapter 250, Laws of 1957 and RCW 38.12.010; amending section 9, chapter 80, Laws of 1947 and RCW 41.32.090; amending section 2, page 34, Laws of 1890

and RCW 42.08.070; amending section 43.07.010, chapter 8, Laws of 1965 and RCW 43.07.010; amending section 1, chapter 12, Laws of 1972 ex. sess. and RCW 43.08.020; amending section 43.08.120, chapter 8, Laws of 1965 as last amended by section 1, chapter 10, Laws of 1973 and RCW 43.08.120; amending section 43.09-.010, chapter 8, Laws of 1965 and RCW 43.09.010; amending section 43.10.010, chapter 8, Laws of 1965 as amended by section 1, chapter 43, Laws of 1973 and RCW 43.10.010; amending section 43.17.100, chapter 8, Laws of 1965 as last amended by section 7, chapter 270, Laws of 1977 ex. sess. and RCW 43.17.100; amending section 2, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19362; amending section 13, chapter 40, Laws of 1975 and RCW 43.19.540; amending section 43.30.170, chapter 8, Laws of 1965 and RCW 43.30.170; amending section 30, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.300; amending section 43.52-.375, chapter 8, Laws of 1965 and RCW 43.52.375; amending section 4, chapter 74, Laws of 1967 as amended by section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; amending section 43.78.020, chapter 8, Laws of 1965 and RCW 43.78-.020; amending section 43.78.070, chapter 8, Laws of 1965 and RCW 43.78.070; amending section .02.03, chapter 79, Laws of 1947 and RCW 48.02.030; amending section .02.09, chapter 79, Laws of 1947 as amended by section 1, chapter 190, Laws of 1949 and RCW 48.02.090; amending section .31.19, chapter 79, Laws of 1947 as last amended by section 13, chapter 241, Laws of 1969 ex. sess. and RCW 48.31.190; amending section 61, chapter 35, Laws of 1945 as last amended by section 12, chapter 40, Laws of 1975 and RCW 50.16.020; amending section 64, chapter 35, Laws of 1945 as last amended by section 3, chapter 170, Laws of 1959 and RCW 50.16.050; amending section 64, chapter 62, Laws of 1933 ex. sess. as last amended by section 9, chapter 5, Laws of 1949 and RCW 66.08.014; amending section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.08.050; amending section 1, chapter 9, Laws of 1977 and RCW 67.08.003; amending section 2, chapter 55, Laws of 1933 as last amended by section 1, chapter 216, Laws of 1973 1st ex. sess. and RCW 67.16.012; amending section 35, chapter 32, Laws of 1951 and RCW 70.79.210; amending section 1, chapter 102, Laws of 1977 ex. sess. and RCW 76.04.360; amending section 16, chapter 255, Laws of 1927 and RCW 79.01.064; amending section 80.01.020, chapter 14, Laws of 1961 and RCW 80.01.020; and repealing section 43.10.020, chapter 8, Laws of 1965 and RCW 43.10.020.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2639, by Senators Donohue, Morrison, Gaspard and Hansen (by Department of Ecology request):

AN ACT Relating to financing water supply facilities; adding a new chapter to Title 43 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2640, by Senators Clarke and Talmadge:

AN ACT Relating to the courts; amending section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030; amending section 6, page 343, Laws of 1890 and RCW 2.08.020; amending section 3, chapter 299, Laws of 1961 as amended by section 1, chapter 73, Laws of 1971 and RCW 3.30.030; adding new sections as a new chapter in Title 3 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2641, by Senators McDermott, North, Talmadge and Gaspard:

AN ACT Relating to the In-Service Training Act of 1977; and amending section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A.71.210.

Referred to Committee on Education.

SENATE BILL NO. 2642, by Senators McDermott, North, Talmadge and Gaspard:

AN ACT Relating to the powers and duties of the state board of education; and amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A-.04.120.

Referred to Committee on Education.

SENATE BILL NO. 2643, by Senators Lysen, Conner and Morrison (by Employment Security Department request):

AN ACT Relating to unemployment compensation penalties; amending section 93, chapter 35, Laws of 1945 as last amended by section 9, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.050; amending section 95, chapter 35, Laws of 1945 and RCW 50.24.070; amending section 96, chapter 35, Laws of 1945 and RCW 50.24.080; amending section 97, chapter 35, Laws of 1945 and RCW 50.24-.090; amending section 98, chapter 35, Laws of 1945 as amended by section 20, chapter 214, Laws of 1949 and RCW 50.24.100; amending section 99, chapter 35, Laws of 1945 as amended by section 20, chapter 215, Laws of 1947 and RCW 50.24.110; amending section 15, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.24.115; amending section 100, chapter 35, Laws of 1945 as last amended by section 5, chapter 266, Laws of 1959 and RCW 50.24.120; amending section 15, chapter 3, Laws of 1971 and RCW 50.24.125; amending section 101, chapter 35, Laws of 1945 as last amended by section 10, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.130; amending section 102, chapter 35, Laws of 1945 and RCW 50.24-.140; amending section 103, chapter 35, Laws of 1945 as amended by section 19, chapter 8, Laws of 1953 ex. sess. and RCW 50.24.150; amending section 106, chapter 35, Laws of 1945 and RCW 50.24.180; amending section 7, chapter 286, Laws of 1955 and RCW 50.24.190; amending section 8, chapter 286, Laws of 1955 and RCW 50.24.200; adding a new section to chapter 50.12 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2644, by Senators Lysen, Conner and Morrison (by Employment Security Department request):

AN ACT Relating to unemployment compensation minimum benefits; amending section 80, chapter 35, Laws of 1945 as last amended by section 7, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.120; providing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2645, by Senators Lysen, Conner and Morrison (by Employment Security Department request):

AN ACT Relating to unemployment compensation benefits for students; and amending section 8, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.095.

Referred to Committee on Labor.

SENATE BILL NO. 2646, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; amending section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 182, Laws of 1977 ex. sess. and RCW 48.14.010; amending section .17.16, chapter 79, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1967 and RCW 48.17.160; amending section .17.17, chapter 79, Laws of 1947 and RCW 48.17.170; amending section .17.18, chapter 79, Laws of 1947 and RCW 48.17.180; amending section .17.20, chapter 79, Laws of 1947 as amended by section 14, chapter 303, Laws of 1955 and RCW 48.17.200; amending section .17.50, chapter 79, Laws of 1947 as last amended by section 6, chapter 182, Laws of 1977 ex. sess. and RCW 48.17.500; repealing section

.17.40, chapter 79, Laws of 1947 and RCW 48.17.400; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2647, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance fees and taxes; and amending section .14.07, chapter 79, Laws of 1947 and RCW 48.14.070.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2648, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .05.21, chapter 79, Laws of 1947 and RCW 48.05.210.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2649, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .03.06, chapter 79, Laws of 1947 and RCW 48.03.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2650, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; amending section .07.13, chapter 79, Laws of 1947 and RCW 48.07.130; amending section .18.29, chapter 79, Laws of 1947 as amended by section 2, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.18.290; amending section .18.30, chapter 79, Laws of 1947 amended by section 16, chapter 303, Laws of 1955 and RCW 48.18.300; amending section .24.16, chapter 79, Laws of 1947 as amended by section 23, chapter 303, Laws of 1955 and RCW 48.24.160; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2651, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to employee welfare trust funds; repealing section 1, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.010; repealing section 4, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.015; repealing section 2, chapter 8, Laws of 1955 ex. sess., section 1, chapter 174, Laws of 1961, section 1, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.020; repealing section 3, chapter 8, Laws of 1955 ex. sess., section 2, chapter 174, Laws of 1961, section 2, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.030; repealing section 4, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.040; repealing section 5, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.050; repealing section 6, chapter 8, Laws of 1955 ex. sess., section 19, chapter 237, Laws of 1967 and RCW 48.52.060; repealing section 7, chapter 8, Laws of 1955 ex. sess., section 3, chapter 69, Laws of 1965 ex. sess. and RCW 48.52.070; repealing section 8, chapter 8, Laws of 1955 ex. sess. and RCW 48.52.080; and repealing section 4, chapter 139, Laws of 1974 ex. sess. and RCW 48.52.090.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2652, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; repealing section .05.23, chapter 79, Laws of 1947, section 2, chapter 70, Laws of 1965 ex. sess. and RCW 48.05.230; and repealing section .05.24, chapter 79, Laws of 1947, section 2, chapter 194, Laws of 1961 and RCW 48.05.240.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2653, by Senator Lewis (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .02.06, chapter 79, Laws of 1947 and RCW 48.02.060.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2654, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to driving record abstracts; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2655, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to records of the insurance commissioner; and amending section .02.12, chapter 79, Laws of 1947 and RCW 48.02.120.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2656, by Senator Lewis (by Insurance Commissioner request):

AN ACT Relating to insurance; amending section 7, chapter 195, Laws of 1963 as amended by section 5, chapter 150, Laws of 1967 and RCW 48.05.340; amending section .09.09, chapter 79, Laws of 1947 as amended by section 5, chapter 193, Laws of 1957 and RCW 48.09.090; amending section .10.07, chapter 79, Laws of 1947 as last amended by section 5, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.10.070; and repealing section 4, chapter 193, Laws of 1957 and RCW 48.09.081.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2657, by Senator Van Hollebeke:

AN ACT Relating to litter control; and creating new sections.

Referred to Committee on Commerce.

SENATE BILL NO. 2658, by Senators Guess and Henry:

AN ACT Relating to motor vehicles; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 146, Laws of 1975 1st ex. sess. and RCW 46.01.140; amending section 40, chapter 3, Laws of 1963 ex. sess. and RCW 46.16.061; amending section 46.16.070, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.070; amending section 46.16.080, chapter 12, Laws of 1961 as amended by section 17, chapter 25, Laws of 1975 and RCW 46.16.080; amending section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090; amending section 15, chapter 170, Laws of 1969 ex. sess. as last amended by section 2, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.115; amending section 46.16.125, chapter 12, Laws of 1961 as amended by section 60, chapter 83, Laws of 1967 ex. sess. and RCW 46.16.125; amending section 46.16.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 54, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.130; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 3, chapter 103, Laws of 1973 and RCW 46.68.030; amending section 12, chapter 106, Laws of 1963 as last amended by section 1, chapter 115, Laws of 1973 and RCW 46.85.120; amending section 13, chapter 106, Laws of 1963 and RCW 46.85.130; amending section 5, chapter 51, Laws of 1971 and RCW

46.85.135; amending section 7, chapter 51, Laws of 1971 and RCW 46.85.147; amending section 16, chapter 106, Laws of 1963 as amended by section 2, chapter 51, Laws of 1971 and RCW 46.85.160; amending section 82.44.010, chapter 15, Laws of 1961 as last amended by section 54, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.010; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 332, Laws of 1977 ex. sess. and RCW 82.44.020; adding a new chapter to Title 46 RCW; repealing section 2, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.010; repealing section 3, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.020; repealing section 4, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.030; repealing section 5, chapter 94, Laws of 1967 ex. sess., section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040; repealing section 6, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.050; repealing section 7, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.060; repealing section 8, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.070; repealing section 9, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.080; repealing section 10, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.090; repealing section 11, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.100; repealing section 12, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.110; repealing section 13, chapter 94, Laws of 1967 ex. sess., section 2, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.120; repealing section 14, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.130; repealing section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SENATE BILL NO. 2659, by Senators Rasmussen, Jones and Shinpoch (by Department of Social and Health Services request):

AN ACT Relating to the department of social and health services; and amending section 8, chapter 18, Laws of 1970 ex. sess. and RCW 41.06.076.

Referred to Committee on State Government.

SENATE BILL NO. 2660, by Senator Rasmussen:

AN ACT Relating to criminal procedure; adding new sections to chapter 10.19 RCW; repealing section 29, page 107, Laws of 1854, section 221, page 394, Laws of 1873, section 1923, Code of 1881, section 11, chapter 11, Laws of 1891 and RCW 10.16.030; repealing section 30, page 107, Laws of 1854, section 222, page 394, Laws of 1873, section 1924, Code of 1881 and RCW 10.16.040; repealing section 33, page 108, Laws of 1854, section 225, page 395, Laws of 1873, section 1927, Code of 1881, section 13, chapter 11, Laws of 1891 and RCW 10.16.070; repealing section 43, page 109, Laws of 1854, section 185, page 141, Laws of 1859, section 216, page 390, Laws of 1863, section 235, page 397, Laws of 1873, section 1936, Code of 1881 and RCW 10.16.190; repealing section 58, chapter 249, Laws of 1909 and RCW 10.19.010; repealing section 72, page 113, Laws of 1854, section 208, page 229, Laws of 1873, section 1028, Code of 1881, section 42, chapter 28, Laws of 1891 and RCW 10.19.020; repealing section 5, page 101, Laws of 1890 and RCW 10.19.025; repealing section 78, page 114, Laws of 1854, section 214, page 229, Laws of 1873, section 1034, Code of 1881 and RCW 10.19.040; repealing section 178, page 129, Laws of 1854, section 1169, Code of 1881 and RCW 10.19.050; repealing section 79, page 114, Laws of 1854, section 215, page 230, Laws of 1873, section 1035, Code of 1881 and RCW 10.19.060; repealing section 77, page 114, Laws of 1854, section 1033, Code of 1881 and RCW 10.19.065; repealing section 80, page 114, Laws of 1854, section 216, page 230, Laws of 1873, section 1036, Code of 1881 and RCW 10.19.070; repealing section 81, page 114, Laws of 1854, section 217, page 230, Laws of 1873, section 1037, Code of 1881 and RCW 10.19.080; repealing section 1, page 103, Laws of 1867, section 217, page 230, Laws of 1873, section 1137, Code of 1881 and RCW 10.19.090; repealing section 2, page 103, Laws of 1867, section 281, page 242, Laws of 1873, section 1138, Code of

1881, section 86, chapter 28, Laws of 1891 and RCW 10.19.100; repealing section 3, page 103, Laws of 1867, section 1139, Code of 1881, section 87, chapter 28, Laws of 1891 and RCW 10.19.105; repealing section 175, page 128, Laws of 1854, section 215, page 230, Laws of 1873, section 1166, Code of 1881 and RCW 10.19.110; repealing section 176, page 129, Laws of 1854, section 1167, Code of 1881, section 88, chapter 28, Laws of 1891 and RCW 10.19.120; repealing section 1, chapter 2, Laws of 1975 1st ex. sess. and RCW 10.19.130; and repealing section 31, chapter 61, Laws of 1893 and RCW 10.73.040.

Referred to Judiciary Committee.

**SENATE BILL NO. 2661**, by Senators Talley and Lee:

AN ACT Relating to credit unions; amending section 11, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.110; amending section 3, chapter 80, Laws of 1975 1st ex. sess. and RCW 31.12A.010; creating new sections; and adding a new section to chapter 31.12 RCW.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 2662**, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to social and health services; amending section 72.33.180, chapter 28, Laws of 1959 as last amended by section 1, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.180; amending section 4, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.860; amending section 11.08.111, chapter 145, Laws of 1965 as amended by section 1, chapter 76, Laws of 1973 1st ex. sess. and RCW 11.08-.111; amending section 71.02.380, chapter 25, Laws of 1959 and RCW 71.02.380; amending section 4, chapter 127, Laws of 1967 ex. sess. as amended by section 64, chapter 292, Laws of 1971 ex. sess. and RCW 71.02.411; amending section 71.06-.260, chapter 25, Laws of 1959 and RCW 71.06.260; amending section 2, chapter 141, Laws of 1967 as amended by section 2, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.655; amending section 71.02.410, chapter 25, Laws of 1959 as amended by section 1, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.410; amending section 3, chapter 141, Laws of 1967 and RCW 72.33.660; amending section 72.23-.020, chapter 28, Laws of 1959 and RCW 72.23.020; amending section 5, chapter 141, Laws of 1967 as amended by section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670; and adding new sections to chapter 74.04 RCW.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 2663**, by Senators Van Hollebeke, Walgren, Rasmussen, Odegaard and Talley:

AN ACT Relating to the teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2664**, by Senator Donohue:

AN ACT Relating to revenue and taxation; adding new sections to chapter 82.32 RCW; repealing section 82.32.330, chapter 15, Laws of 1961, section 10, chapter 28, Laws of 1963 ex. sess., section 1, chapter 104, Laws of 1969 ex. sess. and RCW 82.32.330; and prescribing penalties.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2665**, by Senators Donohue and Walgren:

AN ACT Relating to revenue and taxation; amending section 84.56.020, chapter 15, Laws 1961 as last amended by section 1, chapter 196, Laws of 1974 ex. sess. and RCW 84.56.020; adding a new section to chapter 84.56 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2666, by Senators Quigg, Bottiger and Guess:

AN ACT Relating to public contracts; and adding new sections to chapter 39.04 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2667, by Senators McDermott, Walgren and Morrison:

AN ACT Relating to libraries; amending section 2, chapter 119, Laws of 1935 as last amended by section 5, chapter 353, Laws of 1977 ex. sess. and RCW 27.12-.010; amending section 1, chapter 119, Laws of 1935 and RCW 27.12.020; making an appropriation; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2668, by Senators Pullen, Bausch, Day, von Reichbauer, Donohue and Lee:

AN ACT Relating to banks and trust companies; and adding a new section to chapter 30.20 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2669, by Senators Hayner, Lewis and Guess:

AN ACT Relating to education; enumerating certain rights of parents and legal guardians of students; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2670, by Senators Talmadge, Day, Walgren and Gould:

AN ACT Relating to the early and periodic screening, diagnosis, and treatment program; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2671, by Senator Conner:

AN ACT Relating to the game commission; and amending section 77.04.030, chapter 36, Laws of 1955 and RCW 77.04.030.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2672, by Senators McDermott, Morrison, Ridder and Gould:

AN ACT Relating to education; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 45, Laws of 1973 and RCW 28A.24.055; amending section 28A.24.100, chapter 233, Laws of 1969 ex. sess. as last amended by section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2673, by Senators McDermott, Lee and Ridder:

AN ACT Relating to basic education; and amending section 7, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.162.

Referred to Committee on Education.

SENATE BILL NO. 2674, by Senators Conner and Talley (by Department of Natural Resources request):

AN ACT Relating to shellfish; amending section 1, chapter 253, Laws of 1969 ex. sess. and RCW 75.24.100; amending section 6, chapter 309, Laws of 1959 as amended by section 6, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.087; amending section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3,

chapter 253, Laws of 1969 ex. sess. and RCW 75.28.280; amending section 4, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.287; adding new sections to chapter 75.28 RCW; adding a new section to chapter 79.01 RCW; and prescribing penalties.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2675, by Senators Talley, Henry and Lewis:  
AN ACT Relating to the department of transportation; and creating a new section.

Referred to Committee on Transportation.

SENATE BILL NO. 2676, by Senators Wojahn, Gould and Rasmussen:  
AN ACT Relating to state government; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 6, chapter 234, Laws of 1959 as amended by section 5, chapter 237, Laws of 1967 and RCW 34.04.060; adding new sections to chapter 34.04 RCW; repealing section 1, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.010; repealing section 2, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.020; repealing section 3, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.030; repealing section 4, chapter 117, Laws of 1975-'76 2nd ex. sess. and RCW 43.21H.900; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2677, by Senator Williams:  
AN ACT Relating to torts; and adding a new chapter to Title 4 RCW.  
Referred to Judiciary Committee.

SENATE BILL NO. 2678, by Senators Goltz, Gould and Fleming:  
AN ACT Relating to public assistance; amending section 74.08.040, chapter 26, Laws of 1959 and RCW 74.08.040; and providing an effective date.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2679, by Senator Williams:  
AN ACT Relating to labor unions; and adding a new section to chapter 49.36 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2680, by Senator Williams:  
AN ACT Relating to musical services; and adding a new section to chapter 4.24 RCW.  
Referred to Committee on Labor.

SENATE BILL NO. 2681, by Senator Williams:  
AN ACT Relating to employment agencies; and amending section 2, chapter 228, Laws of 1969 ex. sess. as amended by section 1, chapter 51, Laws of 1977 ex. sess. and RCW 19.31.020.  
Referred to Committee on Labor.

SENATE BILL NO. 2682, by Senator Goltz:  
AN ACT Relating to the state environmental policy act; amending section 6, chapter 109, Laws of 1971 ex. sess. as amended by section 2, chapter 278, Laws of 1977 ex. sess. and RCW 43.21C.060; and amending section 2, chapter 179, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 278, Laws of 1977 ex. sess. and RCW 43.21C.080.

Referred to Committee on Ecology.

SENATE BILL NO. 2683, by Senator Williams:

AN ACT Relating to local government; amending section 1, chapter 136, Laws of 1961 as amended by section 2, chapter 159, Laws of 1963 and RCW 4.92.090; and amending section 1, chapter 164, Laws of 1967 and RCW 4.96.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2684, by Senator Williams:

AN ACT Relating to insurance; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2685, by Senator Bottiger:

AN ACT Relating to public disclosure; amending section 16, chapter 1, Laws of 1973 as last amended by section 4, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.160; amending section 18, chapter 1, Laws of 1973 as amended by section 11, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.180; and amending section 19, chapter 1, Laws of 1973 as last amended by section 6, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.190.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2686, by Senators McDermott, Williams and Fleming:

AN ACT Relating to retirement plans of certain institutions of higher education; and amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.400.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2687, by Senators Gaspard, McDermott and Sellar:

AN ACT Relating to industrial welfare; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2688, by Senator Hansen:

AN ACT Relating to counties; providing for an excise tax for operation of county solid waste systems; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2689, by Senator Hansen:

AN ACT Relating to public water system coordination; amending section 5, chapter 142, Laws of 1977 ex. sess. and RCW 70.116.050; and repealing section 8, chapter 142, Laws of 1977 ex. sess. and RCW 70.116.080.

Referred to Committee on Local Government.

SENATE BILL NO. 2690, by Senator Rasmussen:

AN ACT Relating to highways; directing construction of a Naches Pass tunnel; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2691, by Senators Bottiger, North and Benitz:

AN ACT Relating to the energy facility site evaluation council; and amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030.

Referred to Committee on Energy and Utilities.

SENATE JOINT RESOLUTION NO. 121, by Senator Williams:

Amending the constitution to allow local government insurance pooling.

Referred to Committee on Financial Institutions and Insurance.

SENATE CONCURRENT RESOLUTION NO. 108, by Senators McDermott and Fleming:

Welcoming Chinese delegation to State of Washington.  
Referred to Committee on State Government.

FIRST READING OF HOUSE BILLS

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Nelson (G. A.), Walk, Sanders, Barr, Janovich, Barnes, Williams, Oliver, Knowles, Scott, Whiteside, Pruitt, Granlund, Sherman, Brekke and Brown) (by House Committee on State Government of 45th Legislature request):

Creating a joint legislative committee to review agency rules.  
Referred to Committee on State Government.

HOUSE BILL NO. 44, by Representatives Fancher and Flanagan:

Increasing the fee that may be retained by persons issuing hunting and fishing licenses.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 51, by Committee on Judiciary (originally sponsored by Representative Keller):

Requiring statements on convicted persons for the parole board.  
Referred to Judiciary Committee.

HOUSE BILL NO. 69, by Representatives Warnke and Polk (by Legislative Budget Committee request):

Repealing sections authorizing forest tree nursery at Washington State University.

Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.  
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 105, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Sanders and Rohrbach) (by House Committee on Judiciary of 45th Legislature request):

Setting standards for the escrow officer's examination.  
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 112, by Committee on State Government (originally sponsored by Representatives Ehlers, Amen, Walk, Tilly, King, Taller, Sanders, Fuller, Mitchell and Addison (by Select Joint Committee on Sunset request):

Establishing a schedule for sunset review.  
Referred to Committee on State Government.

HOUSE BILL NO. 127, by Representatives Walk, Taller, Burns, Sanders, Ehlers, Vrooman and Addison (by Committee on State Government request):

Modifying the Sunset Act of 1977.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 178, by Representatives Schmitten, Vrooman, Jovanovich and Mitchell:

Making available Department of Natural Resources equipment, personnel and services to certain landowners.

Referred to Committee on Natural Resources.

HOUSE JOINT MEMORIAL NO. 4, by Representatives Adams, Whiteside, Brekke, Lux, Pruitt, Haley, Nelson (D), Wilson, Barr and Burns:

Memorializing the federal government to legitimize the medical use of marijuana.

Referred to Committee on Social and Health Services.

### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 5, by Representatives Polk and King:

Scheduling a memorial service for deceased legislators.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 5 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 5 was advanced to third reading, the second reading considered the third, and the resolution was passed.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2639, 2641, 2642, 2663, 2668, 2672.

### SECOND READING

SENATE BILL NO. 2213, by Senators Marsh, Talmadge, Hayner, Clarke and Jones:

Making various changes in the juvenile justice act of 1977.

### MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2213 was substituted for Senate Bill No. 2213 and the substitute bill was placed on second reading and read the second time in full.

Senator Clarke moved the following amendments by Senators Clarke and Marsh be considered and adopted simultaneously:

On page 16, beginning on line 32, strike the remainder of the section and insert:  
"((d) Any child:

(i) Who is in conflict with his or her parent, guardian, or custodian;  
(ii) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to RCW 13.32.040;

(iii) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and

(iv) Who is in need of custodial treatment in a diagnostic and treatment facility:))

(d) Who upon written complaint of a parent, guardian, or custodian is found to have habitually refused to accept reasonable discipline or supervision to the extent that the welfare of the child is in substantial danger; or

(e) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to RCW 13.32.040; or

(f) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; or

(g) Who is in need of custodial treatment in a diagnostic and treatment facility."

On page 22, line 13, after "13.34.030 (2)" strike "(a), (b), or (c)" and insert "((a), (b), or (c))".

On page 22, strike all material on line 17 and 18 and insert:

"((A child alleged to be dependent pursuant to RCW 13.34.030 (2) (d) shall have the right to appointed counsel:))"

On page 24, line 27, strike "(a), (b), or (c)" and insert "((a), (b), or (c)))".

On page 27, line 14, after "13.34.030(2)" strike "(a) ((~~σ~~)), (b), or (c)" and insert "((~~(a)~~ or (~~b~~)))"

On page 66, line 7, after "subsection" strike "and RCW 13.34.140" and insert "~~((and RCW 13.34.140))~~".

On page 67, after line 31, add a new subsection (3) as follows:

"(3) Section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, I would first like to say I agree. I wish that I knew exactly how to make this even stronger, but I compliment you and Senator Marsh for the attempt, I guess my question would be, could we insert in (d), 'parents, guardian, school administrator or custodian'?"

"What I am after there is the kid that just absolutely refuses to go along with the program at school and becomes a burden. He is entitled to due process and notice of the parent before they can kick him out but here would be a way that the school administrator could petition for a hearing on the refusal to obey reasonable discipline or supervision."

Senator Clarke: "Senator, I am in accord with the aim which you desire to accomplish but one of the reasons why I restricted this to a 'parent, guardian or custodian' is because you might have situations where there was a difference of opinion between the school authorities and the parent and I wanted to keep this as noncontroversial as possible and I think that it is up to either the parent or legal custodian to make the determination. If, under your circumstances, the school was having that kind of trouble, I would think that by contacting the custodian or parent, it could be remedied in that way."

Debate ensued.

#### POINT OF INQUIRY

Senator Ridder: "Senator Clarke, your amendment on page 22 where you are striking 'a child alleged to be dependent' et cetera 'shall have the right to appointed counsel', could you explain to me your reasoning for that striking?"

Senator Clarke: "Senator Ridder, would you tell me again your question?"

Senator Ridder: "Excuse me . . . on page 22 you have stricken the right of the child to appointed counsel over and above or in addition to the right of the parents to appointed counsel."

Senator Clarke: "The reason for that was that this is not a criminal type of proceeding. This is simply a dependency definition wherein the court is requested to find whether or not the child is not receiving the type of parental supervision that they should receive. Under those circumstances, I think that there is adequate protection for the child by the court proceeding itself. Again, I refer to the distinction between a 'delinquency' proposition and a 'dependency'."

Senator Ridder: "I understand that. You do not feel that the interest of the parent and the child might be divergent enough that if one should have appointed counsel or should have counsel at all that the child should be guaranteed the right to counsel?"

Senator Clarke: "I think that is safe to leave within the discretion of the court in this kind of a case. I think that in the past before we passed this first act, the court had almost unlimited discretion on matters of this kind. I frankly don't think that your suggestion is necessary."

Senator Ridder: "You felt in other words that the striking of this was rather germane to the whole thrust of your amendment?"

Senator Clarke: "In maintaining the distinction between 'delinquency' and 'dependency' and the rights that would exist under the two different situations."

Senator Ridder: "Thank you."

The motion by Senator Clarke carried and the amendments were adopted simultaneously.

On motion of Senator Clarke, the following amendment to the title was adopted:

On page 3 of the title, after line 8, insert "repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140;"

On motion of Senator Marsh, the rules were suspended, Engrossed Substitute Senate Bill No. 2213 was advanced to third reading, the second 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. 2213, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Pullen, Sellar—2.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

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

### MOTIONS

On motion of Senator Peterson, the Committee on Natural Resources was relieved from further consideration of Senate Bill No. 2388.

On motion of Senator Peterson, Senate Bill No. 2388 was rereferred to the Committee on Ways and Means.

On motion of Senator Goltz, the Committee on Higher Education was relieved from further consideration of Senate Bill No. 2601.

On motion of Senator Goltz, Senate Bill No. 2601 was rereferred to the Committee on State Government.

### MOTION

At 1:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 6, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRTIETH DAY

---

#### MORNING SESSION

---

Senate Chamber, Olympia, Tuesday, February 6, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting on Pages Mindy Maier and Kathy Rutan, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"GOOD MORNING, LORD. IT IS TUESDAY, A NEW DAY FOR US TO BE BLESSED AND TO BE A BLESSING. TODAY WE WOULD PAUSE TO THINK BRIEFLY OF THE GIFT OF LIFE. ALL OF HUMAN EXISTENCE IS OF VALUE — BIRTH, THE TEENS, ADULT AND DECLINING YEARS. YOU BECAME INCARNATE TO LEND DIGNITY TO ALL ITS PHASES, EVEN THE LAST.

"PERMIT US TO BE THE VEHICLES OF CHOICE THAT WHEN CITIZENS ON THIS STATE WALK THROUGH THE 'VALLEY OF THE SHADOW OF DEATH,' THEY MAY DO SO WITH DIGNITY. LET OUR EMBRACE OF LIFE, AS GOOD AND FULL, EXTEND EVEN TO ITS CONCLUSION. AMEN."

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 5, 1979.

SENATE BILL NO. 2154, limiting use of funds received for community college military programs (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1979.

SENATE BILL NO. 2251, authorizing a bond issue for social and health services facilities (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2256, revising laws relating to investments and custody of state funds (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Gallaghan, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 2, 1979.

SENATE BILL NO. 2393, establishing enforcement procedures to prevent the spread of noxious weeds (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2393 be substituted therefor, and that Substitute Senate Bill No. 2393 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2461, redesignating the utilities and transportation commission as the public service commission (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2462, extending the authorized types of investments for state funds (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1979.

SENATE BILL NO. 2511, making the recovery and recycling of waste materials part of litter control (reported by Committee on Commerce):

MAJORITY recommendation: Do Pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

February 6, 1979.

HOUSE BILL NO. 26, relating to highways (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 1979.

MILFORD F. VANIK, to the position of member of the Public Disclosure Commission, appointed by the Governor on July 11, 1978, for the term ending December 31, 1982, succeeding Alfred Harsch (reported by the Committee on Constitution and Elections):

Recommends that said appointment be confirmed.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules.

February 5, 1979.

ROBERT L. FLENAUGH, to the position of member of the Council on Postsecondary Education, appointed by the Governor on July 1, 1977, for the term

ending June 30, 1983, succeeding Helen S. Thompson (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 5, 1979.

JACK A. HAWKINS, to the position of member of the Board of Trustees, Community College District No. 10, appointed by the Governor on November 15, 1978, for the term ending September 30, 1983, succeeding Dr. Richard A. Eidal (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, February 6, 1979.

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

LADIES AND GENTLEMEN:

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

Lawrence B. Bradley, appointed January 25, 1979, for a term ending December 31, 1983, succeeding Virginia Gregson as a member of the Public Disclosure Commission.

Sincerely,

DIXY LEE RAY

Governor.

Referred to Committee on Constitution and Elections.

### MESSAGE FROM THE HOUSE

February 5, 1979.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 264, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2692, by Senator Williams:

AN ACT Relating to water quality.

Referred to Committee on Ecology.

SENATE BILL NO. 2693, by Senator Williams:

AN ACT Relating to water quality.

Referred to Committee on Ecology.

SENATE BILL NO. 2694, by Senator Williams:

AN ACT Relating to noise pollution.

Referred to Committee on Ecology.

SENATE BILL NO. 2695, by Senator Williams:

AN ACT Relating to water quality.

Referred to Committee on Ecology.

- SENATE BILL NO. 2696, by Senator McDermott:  
AN ACT Relating to transportation.  
Referred to Committee on Transportation.
- SENATE BILL NO. 2697, by Senator McDermott:  
AN ACT Relating to basic education.  
Referred to Committee on Education.
- SENATE BILL NO. 2698, by Senator McDermott:  
AN ACT Relating to school district certificated employees.  
Referred to Committee on Education.
- SENATE BILL NO. 2699, by Senator Williams:  
AN ACT Relating to environmental coordination procedures.  
Referred to Committee on Ecology.
- SENATE BILL NO. 2700, by Senator Williams:  
AN ACT Relating to shorelines management.  
Referred to Committee on Ecology.
- SENATE BILL NO. 2701, by Senator Williams:  
AN ACT Relating to air quality.  
Referred to Committee on Ecology.
- SENATE BILL NO. 2702, by Senator Williams:  
AN ACT Relating to air quality.  
Referred to Committee on Ecology.
- SENATE BILL NO. 2703, by Senator Williams:  
AN ACT Relating to environmental policy.  
Referred to Committee on Ecology.
- SENATE BILL NO. 2704, by Senator McDermott:  
AN ACT Relating to the Washington state teachers' retirement system.  
Referred to Committee on Education.
- SENATE BILL NO. 2705, by Senator McDermott:  
AN ACT Relating to school district remedial programs.  
Referred to Committee on Education.
- SENATE BILL NO. 2706, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.
- SENATE BILL NO. 2707, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.
- SENATE BILL NO. 2708, by Senator McDermott:  
AN ACT Relating to education.  
Referred to Committee on Education.
- SENATE BILL NO. 2709, by Senator McDermott:  
AN ACT Relating to school districts.  
Referred to Committee on Education.
- SENATE BILL NO. 2710, by Senator Williams:  
AN ACT Relating to licensing of architects; and creating new sections.  
Referred to Committee on Commerce.
- SENATE BILL NO. 2711, by Senator Goltz:  
AN ACT Relating to proprietary schools.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2712, by Senator Hansen:  
AN ACT Relating to grist mills.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2713, by Senator Goltz:  
AN ACT Relating to tourism.  
Referred to Committee on Commerce.

SENATE BILL NO. 2714, by Senator Williams:  
AN ACT Relating to air quality.  
Referred to Committee on Ecology.

SENATE BILL NO. 2715, by Senators Talmadge, Lee, Moore and Wojahn:  
AN ACT Relating to community municipal corporations.  
Referred to Committee on Local Government.

SENATE BILL NO. 2716, by Senator Woody:  
AN ACT Relating to elections; and creating a new section.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2717, by Senator Rasmussen:  
AN ACT Relating to public funds and accounts.  
Referred to Committee on State Government.

SENATE BILL NO. 2718, by Senator Rasmussen:  
AN ACT Relating to public employment.  
Referred to Committee on State Government.

SENATE BILL NO. 2719, by Senator Rasmussen:  
AN ACT Relating to public funds and accounts.  
Referred to Committee on State Government.

SENATE BILL NO. 2720, by Senator Rasmussen:  
AN ACT Relating to public employment.  
Referred to Committee on State Government.

SENATE BILL NO. 2721, by Senator Rasmussen:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2722, by Senator Rasmussen:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2723, by Senator Rasmussen:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2724, by Senator Rasmussen:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2725, by Senator Day:  
AN ACT Relating to chiropractic.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2726, by Senator Bausch:  
AN ACT Relating to revenue and taxation; amending section 84.40.080, chapter 15, Laws of 1961 as amended by section 1, chapter 8, Laws of 1973 2nd ex. sess. and RCW 84.40.080; and amending section 2, chapter 8, Laws of 1973 2nd ex. sess. and RCW 84.40.085.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2727, by Senators Bausch, Clarke and Goltz (by Insurance Commissioner request):

AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW. Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2728, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .15.07, chapter 79, Laws of 1947 as last amended by section 2, chapter 182, Laws of 1977 ex. sess. and RCW 48.15.070.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2729, by Senator Day (by Insurance Commissioner request):

AN ACT Relating to insurance; amending section 12, chapter 115, Laws of 1969 and RCW 48.44.145; and amending section 13, chapter 290, Laws of 1975 1st ex. sess. and RCW 48.46.120.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2730, by Senator Bausch (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section .17.19, chapter 79, Laws of 1947 as amended by section 21, chapter 150, Laws of 1967 and RCW 48.17.190.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2731, by Senator Day (by Insurance Commissioner request):

AN ACT Relating to insurance; amending section 5, chapter 115, Laws of 1969 and RCW 48.44.095; adding a new section to chapter 48.44 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2732, by Senator Rasmussen:

AN ACT Relating to governmental organization in the implementation of air pollution control programs; adding a new section to chapter 43.21A RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2733, by Senators Walgren, Gould, Odegaard, Quigg, Gallagher, North and Gaspard:

AN ACT Relating to public retirement; amending section 1, chapter 274, Laws of 1947 as last amended by section 16, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.010; amending section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.150; amending section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2734, by Senators Bausch, Walgren and Clarke:

AN ACT Relating to banking; and amending section 4, chapter 280, Laws of 1961 and RCW 30.20.090.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2735, by Senators von Reichbauer and Rasmussen:

AN ACT Relating to railroads; adding a new section to chapter 81.40 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2736, by Senators Lee, von Reichbauer and Wanamaker:  
AN ACT Relating to outdoor recreation; and adding new sections to chapter 43.99 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2737, by Senator Conner:

AN ACT Relating to hunting seasons; and amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 ex. sess. and RCW 77.12.150.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2738, by Senator Donohue (by Deferred Compensation Committee request):

AN ACT Relating to the investment of moneys in the deferred compensation revolving fund; and amending section 1, chapter 274, Laws of 1975 1st ex. sess. as amended by section 84, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.260.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2739, by Senators Bausch and Clarke (by Department of General Administration request):

AN ACT Relating to corporations doing a trust business; and amending section 30.04.240, chapter 33, Laws of 1955 as amended by section 1, chapter 99, Laws of 1973 and RCW 30.04.240.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2740, by Senators Bausch and Clarke (by Department of General Administration request):

AN ACT Relating to mutual savings banks; amending section 32.16.090, chapter 13, Laws of 1955 and RCW 32.16.090; adding new sections to chapter 32.04 RCW; adding new sections to chapter 32.16 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2741, by Senators Bausch and Clarke (by Department of General Administration request):

AN ACT Relating to banking; amending section 1, chapter 140, Laws of 1965 and RCW 30.08.087; amending section 2, chapter 140, Laws of 1965 and RCW 30.08.088; amending section 30.12.080, chapter 33, Laws of 1955 as last amended by section 5, chapter 140, Laws of 1965 and RCW 30.12.080; amending section 4, chapter 140, Laws of 1965 and RCW 30.12.210; and amending section 30.36.020, chapter 33, Laws of 1955 and RCW 30.36.020.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2742, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to juveniles; amending section 76, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.220; creating a new section; and adding a new chapter to Title 72 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2743, by Senator Day (by Department of Social and Health Services request):

AN ACT Relating to radiation; amending section 1, chapter 207, Laws of 1961 as amended by section 12, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.010; amending section 2, chapter 207, Laws of 1961 as last amended by section 13, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 70.98.020; amending section 3, chapter 207, Laws of 1961 as amended by section 2, chapter 88, Laws of 1965 and RCW 70.98.030; amending section 5, chapter 207, Laws of 1961 as last amended by section 10, chapter 189, Laws of 1971 ex. sess. and RCW 70.98.050;

amending section 8, chapter 207, Laws of 1961 as amended by section 5, chapter 88, Laws of 1965 and RCW 70.98.080; amending section 13, chapter 207, Laws of 1961 and RCW 70.98.130; amending section 16, chapter 207, Laws of 1961 and RCW 70.98.160; and amending section 18, chapter 207, Laws of 1961 as amended by section 8, chapter 88, Laws of 1965 and RCW 70.98.180.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2744, by Senators Goltz, Shinoch and Benitz:

AN ACT Relating to the state student financial aid program; amending section 8, chapter 222, Laws of 1969 ex. sess. as amended by section 16, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.10.802; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2745, by Senators Jones, Clarke and Bluechel:

AN ACT Relating to motor freight carriers; amending section 81.80.010, chapter 14, Laws of 1961 as amended by section 1, chapter 69, Laws of 1967 and RCW 81.80.010; amending section 1, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.400; amending section 2, chapter 22, Laws of 1972 ex. sess. and RCW 81.80.410; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2746, by Senators Goltz, Guess and Hansen:

AN ACT Relating to the regional universities; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institutions and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of such bonds; adding new sections to chapter 28B.35 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2747, by Senators Conner, Bottiger, Peterson, Marsh, Day, Rasmussen and Gaspard:

AN ACT Relating to veterans' benefits; amending section 13, chapter 154, Laws of 1972 ex. sess. as last amended by section 3, chapter 273, Laws of 1975 1st ex. sess. and RCW 73.34.120; amending section 2, chapter 115, Laws of 1975-'76 2nd ex. sess. and RCW 43.60A.020; creating new sections; adding new sections to chapter 154, Laws of 1972 ex. sess. and to chapter 73.34 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2748, by Senators Day and Benitz:

AN ACT Relating to irrigation districts; and amending section 39, page 692, Laws of 1889-90 as last amended by section 2, chapter 163, Laws of 1975 1st ex. sess. and RCW 87.03.460.

Referred to Committee on Agriculture.

## MOTION

On motion of Senator Day, Senator Benitz was permitted as an additional sponsor on Senate Bill No. 2748.

SENATE BILL NO. 2749, by Senators Peterson, Day, Quigg, Odegaard, Wanamaker and Goltz:

AN ACT Relating to northern state hospital; creating a new section; repealing section 1, chapter 178, Laws of 1974 ex. sess.; repealing section 2, chapter 178, Laws of 1974 ex. sess.; repealing section 3, chapter 178, Laws of 1974 ex. sess.;

repealing section 4, chapter 178, Laws of 1974 ex. sess.; repealing section 6, chapter 178, Laws of 1974 ex. sess.; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2750, by Senator Day:

AN ACT Relating to social and health services; and amending section 72.05-.010, chapter 28, Laws of 1959 and RCW 72.05.010.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2751, by Senators Rasmussen, Newschwander and Lysen:

AN ACT Relating to air and water pollution control; providing certain tax credits and exemptions for facilities pertaining thereto; and amending section 1, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.010.

Referred to Committee on Ecology.

SENATE BILL NO. 2752, by Senator Guess:

AN ACT Relating to air pollution; and amending section 37, chapter 238, Laws of 1967 as amended by section 27, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.223.

Referred to Committee on Ecology.

SENATE BILL NO. 2753, by Senators Day, Talmadge and Wanamaker:

AN ACT Relating to public assistance; and amending section 74.09.160, chapter 26, Laws of 1959 as amended by section 1, chapter 48, Laws of 1973 1st ex. sess. and RCW 74.09.160.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2754, by Senators Rasmussen, Newschwander and Goltz:

AN ACT Relating to the Washington state patrol retirement system; amending section 43.43.260, chapter 8, Laws of 1965 as last amended by section 3, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.260; and amending section 4, chapter 180, Laws of 1973 1st ex. sess. as amended by section 3, chapter 14, Laws of 1973 2nd ex. sess. and RCW 43.43.270.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2755, by Senators Gaspard, von Reichbauer and Lewis:

AN ACT Relating to the parks and recreation commission; and amending section 1, chapter 330, Laws of 1977 ex. sess. and RCW 43.51.055.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2756, by Senators Guess and Hansen:

AN ACT Relating to department of transportation records; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2757, by Senator Lysen:

AN ACT Relating to surplus salmon eggs; and amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2758, by Senators Talley, Peterson and Hayner:

AN ACT Relating to game and game fish; amending section 77.32.010, chapter 36, Laws of 1955 as amended by section 1, chapter 245, Laws of 1959 and RCW 77.32.010; amending section 77.32.050, chapter 36, Laws of 1955 and RCW 77.32-.050; and amending section 77.32.060, chapter 36, Laws of 1955 as last amended by section 2, chapter 29, Laws of 1970 ex. sess. and RCW 77.32.060.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2759, by Senators Lee, McDermott and Gould:

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.87 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2760, by Senators Bausch and Clarke:

AN ACT Relating to insurance examinations; and amending section .03.01, chapter 79, Laws of 1947 and RCW 48.03.010.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2761, by Senators Bausch and North:

AN ACT Relating to port districts; and amending section 5, chapter 348, Laws of 1955 as amended by section 1, chapter 13, Laws of 1974 ex. sess. and RCW 53.36.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2762, by Senators Donohue and Matson (by Washington State School Directors' Association request):

AN ACT Relating to revenue and taxation; and amending section 4, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.0531.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2763, by Senators Talley, Jones and Gallagher:

AN ACT Relating to civil procedure; amending section 7, chapter 60, Laws of 1929 and RCW 4.56.210; and repealing section 8, chapter 60, Laws of 1929, section 18, chapter 81, Laws of 1971 and RCW 4.56.225.

Referred to Judiciary Committee.

SENATE BILL NO. 2764, by Senators Van Hollebeke, Jones and Bottiger:

AN ACT Relating to interest rates; and amending section 1, chapter 80, Laws of 1899 and RCW 19.52.010.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2765, by Senator Donohue:

AN ACT Relating to education; amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 27, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.48.010; and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2766, by Senator Donohue:

AN ACT Relating to education; and amending section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2767, by Senators Guess and Wojahn:

AN ACT Relating to engineers and land surveyors; amending section 1, chapter 283, Laws of 1947 and RCW 18.43.010; amending section 2, chapter 283, Laws of 1947 and RCW 18.43.020; amending section 3, chapter 283, Laws of 1947 as amended by section 37, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.43.030; amending section 1, chapter 297, Laws of 1959 as last amended by section 10, chapter 75, Laws of 1977 and RCW 18.43.035; amending section 7, chapter 283, Laws of 1947 and RCW 18.43.040; amending section 8, chapter 283, Laws of 1947 as amended by section 46, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.050; amending section 9, chapter 283, Laws of 1947 as amended by section 2, chapter 142, Laws of 1961 and RCW 18.43.060; amending section 10, chapter 283, Laws of 1947 as amended by section 4, chapter 297, Laws of 1959 and RCW 18.43.070; amending and reenacting section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 23, Laws of 1975 and section 47, chapter 30, Laws of

1975 1st ex. sess. and RCW 18.43.080; amending section 2, chapter 297, Laws of 1959 as amended by section 4, chapter 142, Laws of 1961 and RCW 18.43.105; amending section 14, chapter 283, Laws of 1947 as amended by section 49, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.110; amending section 15, chapter 283, Laws of 1947 and RCW 18.43.120; amending section 16, chapter 283, Laws of 1947 as last amended by section 50, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.130; amending section 3, chapter 297, Laws of 1959 and RCW 18.43.140; amending section 3, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.150; amending section 19, chapter 283, Laws of 1947 and RCW 18.43.900; adding new sections to chapter 18.43 RCW; repealing section 13, chapter 283, Laws of 1947, section 6, chapter 297, Laws of 1959, section 48, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.43.100; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2768, by Senators Odegaard, Rasmussen, Talmadge, Ridder, Woody, Bottiger and Wilson:

AN ACT Relating to juveniles and families in conflict; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; amending section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; adding a new chapter to Title 13 RCW; adding new sections to chapter 74.13 RCW; creating new sections; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; repealing section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010; repealing section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; repealing section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; repealing section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; repealing section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2769, by Senator Lysen:

AN ACT Relating to education; and amending section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.760.

Referred to Committee on Education.

SENATE BILL NO. 2770, by Senator Lysen:

AN ACT Relating to banking; adding a new chapter to Title 30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2771, by Senators Lysen, Goltz and Shinpoch:

AN ACT Relating to public officers and agencies; and adding a new chapter to Title 42 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2772, by Senators Bluechel, Hansen, Matson and North:  
AN ACT Relating to sewer districts; adding new sections to chapter 56.16  
RCW; and creating a new section.

Referred to Committee on Local Government.

#### MOTION

On motion of Senator Bluechel, the rules were suspended and Senator North was permitted as an additional sponsor to Senate Bill No. 2772.

SENATE BILL NO. 2773, by Senators Shinpoch and Bluechel:  
AN ACT Relating to a regional Indian facility; and amending section 1, chapter 128, Laws of 1975-'76 2nd ex. sess. and RCW 37.14.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2774, by Senators Bausch, Conner, Bottiger and Odegaard:

AN ACT Relating to superior court judges; and amending section 7, chapter 125, Laws of 1951 as last amended by section 4, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.065.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Bausch, the rules were suspended and Senator Odegaard was permitted as an additional sponsor to Senate Bill No. 2774.

SENATE JOINT RESOLUTION NO. 122, by Senator Woody:

Amending the state Constitution.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 123, by Senator Woody:

Amending the State Constitution.

Referred to Committee on Constitution and Elections.

#### FIRST READING OF HOUSE BILLS

SUBSTITUTE HOUSE BILL NO. 264, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Haley, May, Kreidler, Tupper, Lux, Teutsch, Whiteside, Schmitten, Mitchell, Gruger, Pruitt, Barr, Brekke, Sherman, Granlund, Salatino, Knowles, Galloway and Sanders (by House Committee on Social and Health Services):

Defining the patient's right to withhold or withdraw life-sustaining medical procedures in terminal illnesses.

Referred to Committee on Social and Health Services.

There being no objections, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2715, 2733, 2747, 2749, 2768, 2772, 2774.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Cindy Lancaster, Washington State Dairy Princess and appointed Senators Conner, Benitz, Hansen and Matson as a committee of honor to escort Princess Cindy to the Senate rostrum.

With permission of the Senate, business was suspended to permit Princess Cindy Lancaster of Sequim to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber and the committee was discharged.

### MOTION

At 10:35 a.m., on motion of Senator Walgren, the Senate recessed until 11:45 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:45 a.m.

### MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

### SECOND READING

SENATE BILL NO. 2206, by Senators Hansen, Gaspard, Day, Wanamaker and Benitz (by Department of Agriculture request):

Revising the fees and procedures for commercial feed inspection.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 2206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2206 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Benitz—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2026, by Senators Donohue, Matson, Odegaard, Scott and McDermott:

Including school district needs in feasibility studies of public transportation.

### REPORT OF STANDING COMMITTEE

January 23, 1979.

SENATE BILL NO. 2026, including school district needs in feasibility studies of public transportation (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17 after "municipality", insert "and shall not exceed one hundred ten thousand dollars".

On page 1, line 19 after "made", strike "to the public transportation account in the general fund, or, if such account does not exist," and insert "~~((to the public transportation account in the general fund, or, if such account does not exist;))~~".

On page 2, line 14 after "the", strike "director" and insert "secretary".

On page 2, line 15 after "the", strike "municipalities" and insert "municipality's".

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

The bill was read the second time by sections.

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

### MOTIONS

On motion of Senator Jones, Senator Benitz was excused.

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 2026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2026 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Benitz, Keefe—2.

ENGROSSED SENATE BILL NO. 2026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2005, by Senators Van Hollebeke, Quigg, Conner and Vognild:

Modifying the limitation on the number of class H liquor licenses.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Senate Bill No. 2005 was advanced to third reading, the second 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. 2005 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Hansen, Henry, Jones, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wojahn, Woody—32.

Voting nay: Senators Bottiger, Goltz, Gould, Guess, Hayner, Lee, Lewis, Lysen, Newschwander, North, Odegaard, Pullen, Ridder, Scott, von Reichbauer, Wilson—16.

Excused: Senator Keefe—1.

SENATE BILL NO. 2005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:05 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, February 7, 1979.

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

## THIRTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 7, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Diane Turya and Rick Smith, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"GOOD MORNING, LORD. WEDNESDAY IS FOR US A HALF-WAY MARK, BOTH FOR THE OFFICIAL LEGISLATIVE SESSION AND FOR THIS WEEK. HALF-WAY IS AN EXCELLENT OPPORTUNITY TO PAUSE JUST LONG ENOUGH TO REAFFIRM THE HIGH IDEALS WHICH BROUGHT US HERE, AND TO SEEK THAT OUR VALUES ARE BUILT INTO THE GIVE AND TAKE WHICH PRODUCES BILLS. GIVE TO US HONEST TRADING, OF IDEALS AND LEGISLATIVE TOOLS, WITHOUT A SINGLE ABROGATION OF IDEALS. AMEN."

#### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 9, 1979.

SENATE BILL NO. 2036, requiring the department of social and health services to contract with local nonprofit social service agencies for crisis intervention services (reported by Committee on Rules which recommends that Senate Bill No. 2036 be referred to the Committee on Ways and Means):

Signed by: Senators Cherberg, Chairman; Conner, Fleming, Gaspard, Odegaard, Ridder, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

February 5, 1979

SENATE BILL NO. 2186, regulating attachments to utility poles (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 6, 1979

SENATE BILL NO. 2277, permitting certain bus stop signs (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Guess, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 5, 1979

SENATE BILL NO. 2349, modifying penalties for failure to pay certain regulatory fees (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 6, 1979

SENATE BILL NO. 2366, permitting change of harbor lines in front of Lake Forest Park (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 6, 1979

SENATE BILL NO. 2367, revising laws relating to use of certain areas for aquaculture (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Lee, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 5, 1979

SENATE BILL NO. 2373, enumerating executive branch officials required to file public disclosure reports (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2373 be substituted therefor and that Substitute Senate Bill No. 2373 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 6, 1979

SENATE JOINT MEMORIAL NO. 105, asking the United States Supreme Court for a speedy resolution of Indian fishing treaty issues (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

## REPORT OF JOINT COMMITTEE ON AGRICULTURE

February 2, 1979.

TO: Washington State Senate  
FROM: Senate Committee on Agriculture  
SUBJECT: Sunset Report on Grist Mills

In Accordance with the Sunset Act of 1977, the Senate and House Agriculture Committees, as committees of reference, have met jointly pertaining to the grist mills.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate and House Agriculture Committees have jointly concurred that Chapter 19.44 RCW, relating to grist mills, should be terminated.

Signed by: Senator Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

February 7, 1979.

ROBERT D. LARRABEE, to the position of member of the University of Washington Board of Regents, appointed by the Governor on August 5, 1977 for the term ending March 14, 1983, succeeding James R. Ellis (reported by Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 7, 1979.

MS. HELEN G. SUTTON, to the position of member of the Board of Trustees, Community College District No. 6, appointed by the Governor on December 15, 1978 for the term ending September 30, 1983, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

February 7, 1979.

HAROLD A. LAMON, JR. to the position of member of the Board of Trustees, Community College District No. 9 appointed by the Governor on December 19, 1978 for the term ending September 30, 1981, succeeding Gerald R. Brunstrom (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules.

February 7, 1979.

ROBERT E. STEAD, to the position of member of the Board of Trustees, Community College District No. 9, appointed by the Governor on October 12, 1978 for the term ending September 30, 1983, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, February 6, 1979.

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

LADIES AND GENTLEMEN:

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

Lars Hennem, appointed February 1, 1979, for a term ending January 17, 1983, succeeding James B. Mitchell as a member of the State Board of Pharmacy.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, February 6, 1979.

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

LADIES AND GENTLEMEN:

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

Arthur M. Zoloth, appointed February 1, 1979, for a term ending January 17, 1983, succeeding Ted Taniguchi as a member of the State Board of Pharmacy.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, February 6, 1979.

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

LADIES AND GENTLEMEN:

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

Donald K. Anderson, appointed February 5, 1979, for a term ending September 30, 1983, succeeding Ernest W. Conrad as a member of the Board of Trustees, Community College District No. 3.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 6, 1979.

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

LADIES AND GENTLEMEN:

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

Charles D. Kilbury, appointed January 22, 1979, for a term ending September 30, 1983, succeeding Lyle D. Perrigo as a member of the Board of Trustees, Community College District No. 19.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, February 6, 1979.

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

LADIES AND GENTLEMEN:

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

William J. O'Neil, appointed February 6, 1979, for a term ending September 30, 1983, succeeding James G. McKellar as a member of the Board of Trustees, Community College District No. 21.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

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

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

Alan P. Vandevent, reappointed January 16, 1979, for a term ending September 30, 1983, succeeding himself as a member of the Board of Trustees, Community College District No. 22.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MESSAGE FROM THE HOUSE

February 7, 1979.

Mr. President: The Speakers have signed: HOUSE CONCURRENT RESOLUTION NO. 5, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2775, by Senators Shinpoch and Bausch:

AN ACT Relating to unfair and fraudulent insurance practices; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2776, by Senators Guess, Rasmussen and Newschwander:

AN ACT Relating to prevailing wages on public works; and amending section 3, chapter 63, Laws of 1945 as amended by section 1, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.010.

Referred to Committee on State Government.

SENATE BILL NO. 2777, by Senator Lysen:

AN ACT Relating to the commission on waste and inefficiency in state government; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2778, by Senators Guess and Hansen:

AN ACT Relating to motor vehicle licenses; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135; repealing section 46.16.137, chapter 12, Laws of 1961, section 17, chapter 32, Laws of 1967, section 1, chapter 172, Laws of 1974 ex. sess., section 7, chapter 118, Laws of 1975 1st ex. sess., section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; and repealing section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138.

Referred to Committee on Transportation.

SENATE BILL NO. 2779, by Senators Lee, Wojahn, Quigg and Talley:

AN ACT Relating to barber and hairstylists; amending section 2, chapter 75, Laws of 1923 as last amended by section 2, chapter 223, Laws of 1967 and RCW 18.15.020; amending section 8, chapter 101, Laws of 1957 as amended by section 5, chapter 223, Laws of 1967 and RCW 18.15.052; adding a new section to chapter 18.15 RCW; adding a new chapter to Title 18 RCW to be designated chapter 18.15A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2780, by Senators Goltz, Morrison, Lewis, Van Hollebeke, Wanamaker and Jones:

AN ACT Relating to taxation; and amending section 14, chapter 236, Laws of 1967 as last amended by section 6, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.210.

Referred to Committee on Local Government.

SENATE BILL NO. 2781, by Senators Bluechel, Shinpoch, Scott and Lee:

AN ACT Relating to business and occupation taxes; and amending section 82.04.080, chapter 15, Laws of 1961 and RCW 82.04.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2782, by Senators Hansen, Henry, Wanamaker and Guess:

AN ACT Relating to state highway bonds; adding new sections to chapter 47.10 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SENATE BILL NO. 2783, by Senators Van Hollebeke, Quigg and Vognild (by Insurance Commissioner/Fire Marshal request):

AN ACT Relating to transient accommodations; and amending section 11, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.290.

Referred to Committee on Commerce.

SENATE BILL NO. 2784, by Senators Lysen and Van Hollebeke:

AN ACT Relating to social services; creating the Washington commission on the family; and adding a new chapter to Title 26 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2785, by Senators von Reichbauer and Quigg:

AN ACT Relating to the state parks and recreation commission; and amending section 43.51.020, chapter 8, Laws of 1965 as last amended by section 116, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.020.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2786, by Senators Ridder, McDermott, Gould, Goltz, Lee, Scott, North, Bluechel, Gallagher and Williams:

AN ACT Relating to solid waste management; establishing a minimum refundable deposit on beverage containers to promote their reuse and recycling; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

#### MOTION

Senator Rasmussen moved that Senate Bill No. 2786 be referred to the Committee on Commerce.

Debate ensued.

#### MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

#### NOON SESSION

The President called the Senate to order at 12:05 p.m.

The President declared the question before the Senate to be the motion by Senator Rasmussen that Senate Bill No. 2786 be referred to the Committee on Commerce.

Further debate ensued.

The motion by Senator Rasmussen failed on a rising vote.  
Senate Bill No. 2786 was referred to the Committee on Ecology.

### INTRODUCTION AND FIRST READING

**SENATE BILL NO. 2787, by Senator Quigg:**

AN ACT Relating to the withdrawal of territory within an existing water district, sewer district, or fire protection district; amending section 5, chapter 55, Laws of 1941 and RCW 57.28.050; and adding a new section to chapter 55, Laws of 1941 and to chapter 57.28 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 2788, by Senators Bottiger and North:**

AN ACT Relating to creation of a domestic and rural power authority; adding a new chapter to Title 43 RCW; adding a new section to chapter 80.04 RCW; adding a new section to chapter 84.12 RCW; creating new sections; providing an effective date; providing a termination date; and making an appropriation.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 2789, by Senators McDermott, Day, Goltz, Morrison, Gaspard, Matson, Bottiger, Scott, North, Wojahn, and Lewis:**

AN ACT Relating to broadcasting by radio or television, including instructional and public broadcasting; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW; repealing section 28A.91.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.010; repealing section 28A.91.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.020; repealing section 28A.91.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.030; repealing section 28A.91.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.040; repealing section 28A.91.050, chapter 223, Laws of 1969 ex. sess., section 70, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.91.050; repealing section 28A.91.060, chapter 223, Laws of 1969 ex. sess., section 19, chapter 75, Laws of 1977 and RCW 28A.91.060; and making an appropriation.

Referred to Committee on State Government.

**SENATE BILL NO. 2790, by Senator von Reichbauer:**

AN ACT Relating to parks and recreation.

Referred to Committee on Parks and Recreation.

**SENATE BILL NO. 2791, by Senator Hansen:**

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

**SENATE BILL NO. 2792, by Senator Hansen:**

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

**SENATE BILL NO. 2793, by Senator Hansen:**

AN ACT Relating to pesticides.

Referred to Committee on Agriculture.

**SENATE BILL NO. 2794, by Senator Hansen:**

AN ACT Relating to water.

Referred to Committee on Agriculture.

**SENATE BILL NO. 2795, by Senator Hansen:**

AN ACT Relating to irrigation districts.

Referred to Committee on Agriculture.

SENATE BILL NO. 2796, by Senator Van Hollebeke:  
AN ACT Relating to gambling.  
Referred to Committee on Commerce.

SENATE BILL NO. 2797, by Senator Van Hollebeke:  
AN ACT Relating to commerce.  
Referred to Committee on Commerce.

SENATE BILL NO. 2798, by Senator Van Hollebeke:  
AN ACT Relating to employment agencies.  
Referred to Committee on Commerce.

SENATE BILL NO. 2799, by Senator Van Hollebeke:  
AN ACT Relating to business regulations.  
Referred to Committee on Commerce.

SENATE BILL NO. 2800, by Senator Van Hollebeke:  
AN ACT Relating to professional licensing..  
Referred to Committee on Commerce.

SENATE BILL NO. 2801, by Senator Van Hollebeke:  
AN ACT Relating to consumer protection.  
Referred to Committee on Commerce.

SENATE BILL NO. 2802, by Senator Van Hollebeke:  
AN ACT Relating to tourism.  
Referred to Committee on Commerce.

SENATE BILL NO. 2803, by Senator Bausch:  
AN ACT Relating to debt adjusting.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2804, by Senator Bausch:  
AN ACT Relating to products liability.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2805, by Senator Van Hollebeke:  
AN ACT Relating to real estate.  
Referred to Committee on Commerce.

SENATE BILL NO. 2806, by Senator Van Hollebeke:  
AN ACT Relating to licensing.  
Referred to Committee on Commerce.

SENATE BILL NO. 2807, by Senator Bausch:  
AN ACT Relating to financial responsibility.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2808, by Senator Bausch:  
AN ACT Relating to motor vehicle insurance.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2809, by Senator Bausch:  
AN ACT Relating to insurance.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2810, by Senator Bausch:  
AN ACT Relating to insurance.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2811, by Senator Bausch:  
AN ACT Relating to escrow.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2812, by Senator Donohue:

AN ACT Relating to business and occupation taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2813, by Senator Bausch:

AN ACT Relating to banks and trust companies.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2814, by Senator Bausch:

AN ACT Relating to savings and loan associations.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2815, by Senator Bausch:

AN ACT Relating to mutual savings banks.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2816, by Senator Bausch:

AN ACT Relating to credit unions.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2817, by Senator Bausch:

AN ACT Relating to small loan companies.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2818, by Senator Bausch:

AN ACT Relating to industrial loan companies.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2819, by Senator Bausch:

AN ACT Relating to securities.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2820, by Senator Donohue:

AN ACT Relating to timber and timberlands taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2821, by Senator Donohue:

AN ACT Relating to property taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2822, by Senator Donohue:

AN ACT Relating to property taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2823, by Senator Donohue:

AN ACT Relating to excise taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2824, by Senator Donohue:

AN ACT Relating to the budget.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2825, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2826, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2827, by Senator Donohue:

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2828, by Senator Donohue:  
AN ACT Relating to inheritance taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2829, by Senator Jones:  
AN ACT Relating to local health departments.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2830, by Senator Williams:  
AN ACT Relating to well water construction.  
Referred to Committee on Ecology.

SENATE BILL NO. 2831, by Senator Wilson:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2832, by Senator Hansen:  
AN ACT Relating to pesticides.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2833, by Senator Morrison;  
AN ACT Relating to unemployment compensation; and creating new sections.  
Referred to Committee on Labor.

SENATE BILL NO. 2834, by Senator Morrison:  
AN ACT Relating to collective bargaining; and creating new sections.  
Referred to Committee on Labor.

SENATE BILL NO. 2835, by Senator Morrison:  
AN ACT Relating to industrial insurance; and creating new sections.  
Referred to Committee on Labor.

SENATE BILL NO. 2836, by Senator Morrison:  
AN ACT Relating to industrial insurance appeals; and creating new sections.  
Referred to Committee on Labor.

SENATE BILL NO. 2837, by Senator Morrison:  
AN ACT Relating to civil procedure; and creating new sections.  
Referred to Judiciary Committee.

SENATE BILL NO. 2838, by Senator Morrison:  
AN ACT Relating to common schools; and creating new sections.  
Referred to Committee on Education.

SENATE BILL NO. 2839, by Senator Morrison:  
AN ACT Relating to budget and accounting; and creating new sections.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2840, by Senator Newschwander:  
AN ACT Relating to the licensing of chiropractors.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2841, by Senator Newschwander:  
AN ACT Relating to game.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2842, by Senator Newschwander:  
AN ACT Relating to fisheries.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2843, by Senator Newschwander:  
AN ACT Relating to natural resources.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2844, by Senators Matson and Newschwander:  
AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2845, by Senators Matson and Newschwander:  
AN ACT Relating to appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2846, by Senator Matson:  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE BILL NO. 2847, by Senators Newschwander and Matson:  
AN ACT Relating to revenue and taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2848, by Senators Newschwander and Matson:  
AN ACT Relating to appropriations.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2849, by Senators Goltz, Morrison, Henry and Benitz (by Commission for Vocational Education request):

AN ACT Relating to expenses and costs incurred by the commission for vocational education for fire service training operations; creating new sections; and adding new sections to chapter 43.79 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2850, by Senators Marsh and North:

AN ACT Relating to floating home moorages; and adding a new chapter to Title 59 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2851, by Senators Morrison, Donohue, Matson, Rasmussen, Sellar, Newschwander, Pullen, Lee, Clarke, Gallagher, Jones, North, Hayner, Benitz, Wanamaker, Bluechel, Gould, Guess, Lewis, Scott and Quigg:

AN ACT Relating to business and occupation taxes; amending section 82.04-.300, chapter 15, Laws of 1961 as last amended by section 41, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.300; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2852, by Senators Lysen and Morrison:

AN ACT Relating to impasse procedures for uniformed personnel; amending section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440; and amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450.

Referred to Committee on Labor.

SENATE BILL NO. 2853, by Senators Hayner and Benitz:

AN ACT Relating to crimes; and amending section 9A.32.050, chapter 260, Laws of 1975 1st ex. sess. as amended by section 4, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.050.

Referred to Judiciary Committee.

SENATE BILL NO. 2854, by Senators Quigg, Lysen and Newschwander:

AN ACT Relating to public employees' collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor.

**SENATE BILL NO. 2855**, by Senators Henry, Clarke and Bluechel:

AN ACT Relating to preferential and exclusive lane use by certain motor vehicles; amending section 2, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.64 RCW; and providing penalties.

Referred to Committee on Transportation.

**SENATE BILL NO. 2856**, by Senators Bausch, Clarke and Goltz:

AN ACT Relating to charitable gift annuities; amending section 23.01, chapter 79, Laws of 1947 and RCW 48.23.010; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.005; amending section 1, chapter ... (HB 342), Laws of 1979 and RCW 21.20.310; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on State Government.

**SENATE BILL NO. 2857**, by Senators Morrison and Hansen:

AN ACT Relating to agricultural irrigation; creating new sections; adding a new chapter to Title 87 RCW; and providing penalties.

Referred to Committee on Agriculture.

**SENATE BILL NO. 2858**, by Senators Goltz, Odegaard, von Reichbauer and Guss:

AN ACT Relating to institutions of higher education; amending section 28B-.20.100, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 62, Laws of 1973 and RCW 28B.20.100; amending section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 62, Laws of 1973 and RCW 28B.30.100; amending section 45, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.100; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.100; amending section 28B.30.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.120; and creating new sections.

Referred to Committee on Higher Education.

**SENATE BILL NO. 2859**, by Senator Odegaard (by Insurance Commissioner request):

AN ACT Relating to casualty insurance; and amending section 27, chapter 150, Laws of 1967 and RCW 48.22.030.

Referred to Judiciary Committee.

**SENATE BILL NO. 2860**, by Senators Talley, Jones and Marsh:

AN ACT Relating to the judicial retirement system; and amending section 15, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 119, Laws of 1973 1st ex. sess. and RCW 2.10.150.

Referred to Judiciary Committee.

**SENATE BILL NO. 2861**, by Senator Conner:

AN ACT Relating to revenue and taxation; and amending section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 1, chapter 268, Laws of 1977 ex. sess. and RCW 84.36.381.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 2862**, by Senators Scott and Odegaard:

AN ACT Relating to the disestablishment of obsolete funds and accounts; repealing obsolete appropriations; amending section 1, chapter 123, Laws of 1975 1st ex. sess. and RCW 43.22.500; amending section 43.79.330, chapter 8, Laws of 1965 and RCW 43.79.330; amending section 43.82.090, chapter 8, Laws of 1965 and RCW 43.82.090; amending section 71.02.390, chapter 25, Laws of 1959 and RCW 71.02.390; amending section 72.05.150, chapter 28, Laws of 1959 and RCW

72.05.150, amending section 1, chapter 332, Laws of 1959 as amended by section 7, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.510; amending section 9, chapter 233, Laws of 1951 and RCW 76.06.110; amending section 3, chapter 116, Laws of 1947 as last amended by section 1, chapter 12; Laws of 1963 and RCW 76.40.030; creating a new section; repealing section 28A.47.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.150; repealing section 28A.47.160, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.160; repealing section 28A.47.425, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.425; repealing section 28A.47.430, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.430; repealing section 28A.47.777, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.777; repealing section 21, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.155; repealing section 72.01.160, chapter 28, Laws of 1959 and RCW 72.01.160; repealing section 72.08.070, chapter 28, Laws of 1959 and RCW 72.08.070; repealing section 1, chapter 230, Laws of 1949 and RCW 72.99.010; repealing section 2, chapter 230, Laws of 1949 and RCW 72.99.020; repealing section 3, chapter 230, Laws of 1949 and RCW 72.99.030; repealing section 4, chapter 230, Laws of 1949, section 36, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.040; repealing section 5, chapter 230, Laws of 1949 and RCW 72.99.050; repealing section 6, chapter 230, Laws of 1949 and RCW 72.99.060; repealing section 1, chapter 299, Laws of 1957 and RCW 72.99.170; repealing section 2, chapter 299, Laws of 1957 and RCW 72.99.180; repealing section 3, chapter 299, Laws of 1957 and RCW 72.99.190; repealing section 5, chapter 299, Laws of 1957 and RCW 72.99.210; repealing section 6, chapter 299, Laws of 1957 and RCW 72.99.220; repealing section 74.08.375, chapter 26, Laws of 1959 and RCW 74.08.375; repealing section 21, chapter 164, Laws of 1971 ex. sess., section 19, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.210; repealing section 77.12.180, chapter 36, Laws of 1955 and RCW 77.12.180; repealing section 1, chapter 279, Laws of 1955, section 1, chapter 62, Laws of 1957 and RCW 79.24.200; repealing section 2, chapter 279, Laws of 1955, section 2, chapter 62, Laws of 1957 and RCW 79.24.210; repealing section 3, chapter 22, Laws of 1951, section 3, chapter 279, Laws of 1955, section 3, chapter 62, Laws of 1957 and RCW 79.24.220; repealing section 4, chapter 22, Laws of 1951, section 4, chapter 279, Laws of 1955 and RCW 79.24.230; repealing section 5, chapter 279, Laws of 1955, section 4, chapter 62, Laws of 1957 and RCW 79.24.240; repealing section 6, chapter 279, Laws of 1955 and RCW 79.24.250; repealing section 7, chapter 22, Laws of 1951, section 3, chapter 187, Laws of 1953, section 7, chapter 279, Laws of 1955, section 5, chapter 62, Laws of 1957 and RCW 79.24.260; repealing section 8, chapter 279, Laws of 1955, section 6, chapter 62, Laws of 1957 and RCW 79.24.270; repealing section 7, chapter 62, Laws of 1957 and RCW 79.24.280; repealing section 8, chapter 233, Laws of 1951 and RCW 76.06.100; repealing section 10, chapter 233, Laws of 1951 and RCW 76.06.120; repealing section 1, chapter 140, Laws of 1953 and RCW 76.40.015; repealing section 13, chapter 140, Laws of 1953 and RCW 76.40.016; repealing section 5, chapter 136, Laws of 1973 and RCW 76.42.040; repealing section 6, chapter 136, Laws of 1973 and RCW 76.42.050; repealing section 4, chapter 299, Laws of 1957, section 38, chapter 278, Laws of 1975 1st ex. sess. and RCW 72.99.200; declaring an emergency; and providing effective dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2863, by Senators Moore, Vognild and Talmadge:

AN ACT Relating to employees' personnel files; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2864, by Senators Vognild and Moore:

AN ACT Relating to warm air heating, ventilation, and air conditioning; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2865, by Senators Odegaard, Ridder, Talmadge, Fleming, Peterson, Wilson, Goltz and Walgren:

AN ACT Relating to elections; and amending section 12, chapter 1, Laws of 1973 as amended by section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2866, by Senator Williams:

AN ACT Relating to risk management; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2867, by Senators Vognild, Gould, Woody, Wanamaker and Van Hollebeke:

AN ACT Relating to commerce and economic development; providing for the planning, design, construction, furnishing, and landscaping of multitheatre international performing arts facilities; providing for the financing thereof by issuance of bonds and anticipation notes; authorizing the acceptance of a gift of real property as sites for such facilities; adding new sections to chapter 43.31 RCW; and declaring an emergency.

Referred to Committee on Commerce.

SENATE BILL NO. 2868, by Senators Bluechel, Moore and Goltz (by Planning and Community Affairs Agency request):

AN ACT Relating to the state building code; amending and reenacting section 4, chapter 96, Laws of 1974 ex. sess. as amended by section 9, chapter 110, Laws of 1975 1st ex. sess. and by section 12, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.040; amending section 7, chapter 96, Laws of 1974 ex. sess. as amended by section 59, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.070; amending section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300; adding new sections to chapter 19.27 RCW; and creating new sections.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2869, by Senators Vognild and Moore:

AN ACT Relating to industrial welfare; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2870, by Senators Ridder, Moore, Vognild and Talley:

AN ACT relating to unemployment compensation benefits and claims; amending section 73, chapter 35, Laws of 1945 as last amended by section 4, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.050; amending section 74, chapter 35, Laws of 1945 as last amended by section 5, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.060; and amending section 78, chapter 35, Laws of 1945 as last amended by section 6, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.100.

Referred to Committee on Labor.

SENATE BILL NO. 2871, by Senators Hayner, Marsh and Lewis:

AN ACT Relating to contraband; amending section 9A.76.140, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.140; and defining crimes.

Referred to Judiciary Committee.

SENATE BILL NO. 2872, by Senators Moore, Sellar, Talmadge and Vognild:  
AN ACT Relating to gambling; and adding a new section to chapter 9.46  
RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2873, by Senator Williams:

AN ACT Relating to business and occupation taxes; and amending section  
82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105,  
Laws of 1977 ex. sess. and RCW 82.04.430.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2874, by Senators Wanamaker, Walgren and Sellar:

AN ACT Relating to revenue and taxation; amending section 7, chapter 40,  
Laws of 1973 2nd ex. sess. and RCW 84.36.805; adding a new section to chapter  
84.36 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2875, by Senator Williams:

AN ACT Relating to civil procedure; and adding a new section to chapter 4.92  
RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2876, by Senator Pullen:

AN ACT Relating to sales of game and game fish; and amending section  
77.16.040, chapter 36, Laws of 1955 as last amended by section 4, chapter 166,  
Laws of 1971 ex. sess. and RCW 77.16.040.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2877, by Senator Hansen:

AN ACT Relating to public ground waters; and amending section 5, chapter  
263, Laws of 1945 as amended by section 1, chapter 122, Laws of 1947 and RCW  
90.44.050.

Referred to Committee on Agriculture.

SENATE BILL NO. 2878, by Senators Rasmussen, Vognild and  
Newschwander (by Insurance Commissioner/State Fire Marshal request):

AN ACT Relating to fireworks; creating a new chapter in Title 70 RCW;  
repealing section 1, chapter 228, Laws of 1961 and RCW 70.77.120; repealing  
section 2, chapter 228, Laws of 1961 and RCW 70.77.125; repealing section 3,  
chapter 228, Laws of 1961 and RCW 70.77.130; repealing section 4, chapter 228,  
Laws of 1961 and RCW 70.77.135; repealing section 5, chapter 228, Laws of 1961  
and RCW 70.77.140; repealing section 6, chapter 228, Laws of 1961 and RCW  
70.77.145; repealing section 7, chapter 228, Laws of 1961 and RCW 70.77.150;  
repealing section 8, chapter 228, Laws of 1961 and RCW 70.77.155; repealing  
section 9, chapter 228, Laws of 1961 and RCW 70.77.160; repealing section 10,  
chapter 228, Laws of 1961 and RCW 70.77.165; repealing section 11, chapter 228,  
Laws of 1961 and RCW 70.77.170; repealing section 12, chapter 228, Laws of 1961  
and RCW 70.77.175; repealing section 13, chapter 228, Laws of 1961 and RCW  
70.77.180; repealing section 14, chapter 228, Laws of 1961 and RCW 70.77.185;  
repealing section 15, chapter 228, Laws of 1961 and RCW 70.77.190; repealing  
section 16, chapter 228, Laws of 1961 and RCW 70.77.195; repealing section 17,  
chapter 228, Laws of 1961 and RCW 70.77.200; repealing section 18, chapter 228,  
Laws of 1961 and RCW 70.77.205; repealing section 19, chapter 228, Laws of 1961  
and RCW 70.77.210; repealing section 20, chapter 228, Laws of 1961 and RCW  
70.77.215; repealing section 21, chapter 228, Laws of 1961 and RCW 70.77.220;  
repealing section 22, chapter 228, Laws of 1961 and RCW 70.77.225; repealing  
section 23, chapter 228, Laws of 1961 and RCW 70.77.230; repealing section 24,  
chapter 228, Laws of 1961 and RCW 70.77.235; repealing section 25, chapter 228,  
Laws of 1961 and RCW 70.77.235; repealing section 25, chapter 228, Laws of 1961



and RCW 70.77.555; repealing section 89, chapter 228, Laws of 1961 and RCW 70.77.560; repealing section 90, chapter 228, Laws of 1961 and RCW 70.77.900; repealing section 91, chapter 228, Laws of 1961 and RCW 70.77.910; defining crimes; and providing penalties.

Referred to Committee on Commerce.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2779, 2780, 2781, 2782, 2786, 2789, 2849, 2851, 2858, 2865, 2867, 2870, 2872.

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

### MOTIONS

On motion of Senator McDermott, the Committee on State Government was relieved from further consideration of Senate Bill No. 2789.

On motion of Senator McDermott, Senate Bill No. 2789 was rereferred to the Committee on Education.

### MOTIONS

On motion of Senator Walgren, the Senate returned to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2262.

### SECOND READING

SENATE BILL NO. 2262, by Senators Odegaard, Wilson, Day, Matson, Woody, Morrison, Fleming, Gould, Gaspard, Moore, Donohue, Vognild and Talmadge:

Authorizing local governments to administer senior citizen programs.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Senate Bill No. 2262 was advanced to third reading, the second 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. 2262 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2181.

## SECOND READING

SENATE BILL NO. 2181, by Senators Rasmussen, Donohue, Scott, Odegaard, Marsh, Matson, Shinpoch, Gaspard, Gallagher, von Reichbauer, Lewis, Pullen, Newschwander, Clarke, Bottiger, Day, North, McDermott, Peterson, Walgren, Wilson, Moore, Talmadge, Hansen, Guess, Wojahn, Ridder, Goltz, Conner, Fleming, Talley, Wanamaker, Quigg, Jones, Lee, Benitz, Sellar, Bluechel, Morrison, Hayner, Van Hollebeke, Woody, Bausch and Vognild:

Revising the inheritance and gift tax laws.

## MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 2181 was substituted for Senate Bill No. 2181 and the substitute bill was placed on second reading and read the second time in full.

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

On page 8, line 26, after "." beginning with the word "Interest" strike the underlined language through "annually." on line 28.

On page 8, line 31, after "," beginning with the word "or" strike the underlined language through "interest" on line 34.

Debate ensued.

The motion by Senator Sellar failed and the amendments were not adopted.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 2181 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent: Senator Guess—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President Signed: HOUSE CONCURRENT RESOLUTION NO. 5.

## SECOND READING

SENATE BILL NO. 2182, By Senators Rasmussen, Donohue, Scott, Odegaard, Walgren, Matson, Shinpoch, Gaspard, Conner, Jones, Lewis, Van Hollebeke, Woody, Hayner, Morrison, Lee, Sellar, Bluechel, Goltz, Hansen, Talley, Fleming, Wanamaker, Guess, Talmadge, Wilson, Quigg, Benitz, Wojahn, Ridder, Day, Gallagher, Newschwander, Pullen, Clarke, McDermott, North, Bottiger, von Reichbauer, Moore, Peterson, Bausch and Vognild:

Revising the gift tax.

#### MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 2182 was substituted for Senate Bill No. 2182 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2182 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:45 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, February 8, 1979.

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

### THIRTY-SECOND DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 8, 1979.

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 Keefe and Vognild. On motion of Senator Wilson, Senators Keefe and Vognild were excused.

The Color Guard, consisting of Pages Sheri Holdener and Darryl Singelton, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"GOOD MORNING, LORD. YOU CREATED, WITH A WORD, ORDER OUT OF CHAOS. YOU SAID, 'LET THERE BE', AND IT WAS SO. FOR US, THE PROCESS IS MUCH MORE DIFFICULT, OUT OF THE CHAOS OF LEGISLATIVE POSSIBILITY WE ARE CALLED TO BRING ORDER AND SOUND JUDGMENT. TIME, LEFT TO ITSELF, WILL RETURN ORDER INTO CHAOS. TO KEEP GOOD ORDER, WE STUDY THE ACTS OF PAST SESSIONS, REFLECTING THE NEEDS OF THIS DAY AND OF THIS HOUR.

"WE THANK YOU FOR THE PERCEPTIVENESS OF THIS BODY, FOR ITS AWARENESS OF THE NEW WAVE OF SENTIMENT WHICH INSISTS THAT SOCIAL SERVICES BE PROVIDED IN INCREASING MEASURE BY PRIVATE, NON-PROFIT SOCIAL SERVICE ORGANIZATIONS. PROPOSED EXEMPTION FROM TAXATION WILL PERMIT A FREE FLOW OF THEIR GOOD ACTS FOR OUR FELLOW CITIZENS.

"HONE OUR SENSES AND MINDS, TO CONTINUE THE PROCESS OF STUDY AND RESHAPING OF THE LAWS BY WHICH WE ARE GOVERNED."

#### MOTION

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

#### PRESIDENT'S PRIVILEGE

The President announced the presence on the Senate rostrum of former Senator Nancy Buffington Kellogg. The Senate members and staff gave a standing ovation to the former Senator.

#### REPORT OF STANDING COMMITTEE

February 2, 1979.

SENATE BILL NO. 2028, permitting police to divert telephone lines in an emergency hostage situation (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2028 be substituted therefor, and that Substitute Senate Bill No. 2028 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2055, mandating course for teachers in how to identify children with learning/language disabilities (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2055 be substituted therefor, and that Substitute Senate Bill No. 2055 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1979.

SENATE BILL NO. 2068, transferring jurisdiction of habitual traffic offenders to the department of licensing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Jones.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2104, extending the list of classes against which discrimination is an unfair practice (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2106, modifying items of personal property exempt from execution and attachment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman, Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2184, including recycling facilities in the definition of "waste disposal facilities", for bond issuing purposes (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2184 be substituted therefor, and that Substitute Senate Bill No. 2184 do pass.

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2204, modifying the provisions for free hunting and fishing licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Odegaard, Quigg, Rasmussen, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Lee.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2233, modifying provisions regulating small loan companies (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2305, modifying insurance and bond requirements of escrow agents (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, Walgren.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2385, requiring funeral directors to divulge certain information to customers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2428, revising the definition of "gravely disabled" for those with mental illness (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2486, removing the limit on assessment increases by apple commission (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2501, modifying powers of public utility districts relating to conservation, utilization, development, and management of water resources (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2563, reorganizing and renaming the interagency committee for outdoor recreation (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wojahn, Woody.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 2879, by Senator Gould:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 2880, by Senator Gould:

AN ACT Relating to education.

Referred to Committee on Education.

SENATE BILL NO. 2881, by Senator Matson:  
AN ACT Relating to certificated employee continuing contract rights.  
Referred to Committee on Labor.

SENATE BILL NO. 2882, by Senator Odegaard:  
AN ACT Relating to education.  
Referred to Committee on Education.

SENATE BILL NO. 2883, by Senator Odegaard:  
AN ACT Relating to fisheries.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 2884, by Senator Benitz:  
AN ACT Relating to the commission for vocational education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2885, by Senator Newschwander:  
AN ACT Relating to vocational education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2886, by Senator Odegaard:  
AN ACT Relating to community colleges.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2887, by Senator Odegaard:  
AN ACT Relating to higher education.  
Referred to Committee on Higher Education.

SENATE BILL NO. 2888, by Senator Odegaard:  
AN ACT Relating to timber tax.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2889, by Senator Odegaard:  
AN ACT Relating to senior citizens.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2890, by Senators Woody, Lewis, Bottiger, Marsh,  
Hayner and Pullen:

AN ACT Relating to public disclosure.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2891, by Senators Woody, Lewis, Bottiger, Marsh,  
Hayner and Pullen:

AN ACT Relating to public disclosure.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2892, by Senator Woody:  
AN ACT Relating to a presidential preference primary.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2893, by Senator Woody:  
AN ACT relating to elections.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2894, by Senator Sellar:  
AN ACT Relating to public disclosure.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2895, by Senators Ridder, von Reichbauer, Lee and  
McDermott:

AN ACT Relating to motor vehicles; and adding a new section to chapter  
46.61 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2896, by Senators Conner, Morrison and Rasmussen:

AN ACT Relating to gambling; reenacting and amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 76, Laws of 1977 ex. sess. and by section 1, chapter 326, Laws of 1977 ex. sess. and RCW 9.46-.020; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2897, by Senators Matson, Jones and Guess:

AN ACT Relating to usury; and adding a new section to chapter 19.52 RCW. Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2898, by Senator Pullen:

AN ACT Relating to fire protection districts; and amending section 16, chapter 34, Laws of 1939 and RCW 52.08.020.

Referred to Committee on Local Government.

SENATE BILL NO. 2899, by Senator Lysen:

AN ACT Relating to retirement; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2900, by Senator Rasmussen:

AN ACT Relating to the department of transportation; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 2901, by Senators Bausch and Clarke (by Insurance Commissioner request):

AN ACT Relating to insurance; and amending section 15.15, chapter 79, Laws of 1947 as last amended by section 16, chapter 195, Laws of 1963 and RCW 48.15-.150.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2902, by Senator Williams:

AN ACT Relating to local government; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2903, by Senator Williams:

AN ACT Relating to local government; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2904, by Senator Williams:

AN ACT Relating to claims against local government; amending section 4, chapter 164, Laws of 1967 and RCW 4.96.020; amending section 35.31.040, chapter 7, Laws of 1965 as amended by section 13, chapter 164, Laws of 1967 and RCW 35.31.040; and amending section 36.45.010, chapter 4, Laws of 1963 as amended by section 14, chapter 164, Laws of 1967 and RCW 36.45.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2905, by Senators Morrison and Ridder:

AN ACT Relating to electricians; amending section 1, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.010; amending section 2, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.020; section 3, chapter 206, Laws of 1973 1st ex. sess. as amended by section 3, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.030; section 4, chapter 206, Laws of 1973 1st ex. sess. as last amended by section 4, chapter

39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.040; amending section 5, chapter 206, Laws of 1973 1st ex. sess. as amended by section 5, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.050; amending section 8, chapter 206, Laws of 1973 1st ex. sess. as amended by section 7, chapter 39, Laws of 1975-'76 2nd ex. sess. and RCW 18.37.080; amending section 14, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.140; amending section 15, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.150; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2906, by Senator Donohue:  
AN ACT Relating to business and occupation taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2907, by Senators Bausch and Peterson (by Department of Natural Resources request):

AN ACT Relating to the exchange of lands; and adding a new section to chapter 79.08 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2908, by Senator Henry:

AN ACT Relating to motor vehicles; amending section 46.04.340, chapter 12, Laws of 1961 and RCW 46.04.340; amending section 46.37.005, chapter 12, Laws of 1961 as last amended by section 56, chapter 145, Laws of 1967 ex. sess. and RCW 46.37.005; amending section 46.37.050, chapter 12, Laws of 1961 as last amended by section 5, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.050; amending section 46.37.060, chapter 12, Laws of 1961 as last amended by section 6, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.060; amending section 46.37.090, chapter 12, Laws of 1961 as last amended by section 9, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.090; amending section 46.37.110, chapter 12, Laws of 1961 as amended by section 10, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.110; amending section 46.37.160, chapter 12, Laws of 1961 as last amended by section 14, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.160; amending section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.190; amending section 16, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.196; amending and reenacting section 46.37.320, chapter 12, Laws of 1961 as amended by section 1, chapter 20, Laws of 1977 ex. sess. and by section 25, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.320; amending section 1, chapter \_\_ (HB 345), Laws of 1979 and RCW 46.37.340; amending section 22, chapter 154, Laws of 1963 and RCW 46.37.351; amending section 24, chapter 154, Laws of 1963 as amended by section 29, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.365; amending section 30, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.369; amending section 46.37.390, chapter 12, Laws of 1961 as last amended by section 33, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.390; amending section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425; amending section 46.37.430, chapter 12, Laws of 1961 as amended by section 47, chapter 281, Laws of 1969 ex. sess. and RCW 46.37.430; amending section 53, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.539; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2909, by Senator Day:  
AN ACT Relating to juveniles.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2910, by Senators Donohue and Day:  
AN ACT Relating to the business and occupation tax.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2911, by Senator Sellar:  
AN ACT Relating to workers' compensation.  
Referred to Committee on Labor.

SENATE BILL NO. 2912, by Senator Van Hollebeke:  
AN ACT Relating to alcoholic beverages.  
Referred to Committee on Commerce.

SENATE BILL NO. 2913, by Senator Day:  
AN ACT Relating to foster home standards.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2914, by Senator Day:  
AN ACT Relating to developmental disabilities.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2915, by Senator Day:  
AN ACT Relating to health care malpractice; and amending section 11, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.060.  
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2916, by Senators Henry, Wanamaker, Talley, Hansen, Guss and Lee:

AN ACT Relating to aeronautics; amending section 1, chapter 165, Laws of 1947 and RCW 47.68.020; amending section 2, chapter 263, Laws of 1961 and RCW 47.68.340; amending section 3, chapter 263, Laws of 1961 and RCW 47.68-.350; amending section 4, chapter 263, Laws of 1961 and RCW 47.68.360; adding new sections to chapter 47.68 RCW; and prescribing penalties.  
Referred to Committee on Transportation.

SENATE BILL NO. 2917, by Senator Williams:  
AN ACT Relating to counties; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2918, by Senator Pullen:  
AN ACT Relating to state fire service training centers; and adding a new section to chapter 28C.04 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2919, by Senators Woody, Jones and Van Hollebeke:  
AN ACT Relating to court reporters; and adding a new section to chapter 2.32 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2920, by Senator Day:  
AN ACT Relating to health care; adding new sections to chapter 48.44 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2921, by Senators Gaspard and Wanamaker:  
AN ACT Relating to the withdrawal of public waters for use in the irrigation of land; and adding a new section to chapter 90.66 RCW.  
Referred to Committee on Agriculture.

SENATE BILL NO. 2922, by Senators Rasmussen, Scott and Shinpoch (by Department of Retirement Systems request):

AN ACT Relating to public employee retirement investments; and adding new sections to chapter 41.40 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2923, by Senators Goltz, Lewis, Rasmussen and Sellar (by Department of Veterans Affairs request):

AN ACT Relating to tuition and fees at institutions of higher education; and amending section 22, chapter 279, Laws of 1971 ex. sess. as last amended by section 9, chapter 322, Laws of 1977 ex. sess. and RCW 28B.15.620.

Referred to Committee on Higher Education.

SENATE BILL NO. 2924, by Senators Marsh and Hayner:

AN ACT Relating to juvenile records; adding a new chapter to Title 13 RCW; repealing section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; repealing section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; and repealing section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274.

Referred to Judiciary Committee.

SENATE BILL NO. 2925, by Senators Keefe, Guess, Day and Lewis:

AN ACT Relating to state property; and creating new sections.

Referred to Committee on State Government.

SENATE BILL NO. 2926, by Senator Lysen:

AN ACT Relating to geoduck clam harvesters; amending section 1, chapter 253, Laws of 1969 ex. sess. and RCW 75.24.100; adding a new section to chapter 79.01 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2927, by Senator Guess:

AN ACT Relating to motor carriers; and adding a new section to chapter 81.28 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 2928, by Senators Wilson, Day and Quigg:

AN ACT Relating to victims of hemophilia; adding new sections as a new chapter to Title 70 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2929, by Senators Odegaard, Bausch, Donohue, Bottiger and Shinpoch:

AN ACT Relating to revenue and taxation; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 359, Laws of 1977 ex. sess. and RCW 28A.45.050; amending section 28A.45.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.060; amending section 28A.45.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.090; amending section 28A.45.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.100; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 13, chapter 231, Laws of 1971 ex. sess. and RCW 46.12.105; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.45 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.08 RCW; and adding a new section to chapter 15, Laws of 1961 and to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2930, by Senator Lysen:

AN ACT Relating to port district tax levies; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2931, by Senators Newschwander, Matson and Lewis:

AN ACT Relating to revenue and taxation; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2932, by Senators Bausch and Clarke:

AN ACT Relating to banks and trust companies; and amending section 30.04-.210, chapter 33, Laws of 1955 as amended by section 2, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.210.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2933, by Senators Benitz, Hansen and Day:

AN ACT Relating to irrigation districts; and amending section 2, chapter 150, Laws of 1973 and RCW 58.17.310.

Referred to Committee on Agriculture.

SENATE BILL NO. 2934, by Senator Donohue:

AN ACT Relating to execution of tax warrants; and amending section 82.32-.220, chapter 15, Laws of 1961 as amended by section 6, chapter 304, Laws of 1961 and RCW 82.32.220.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2935, by Senators Conner, Williams and Goltz:

AN ACT Relating to certain archaeological/historic facilities; providing for the survey, planning, acquisition development, excavation, conservation, restoration and preservation of archaeological/historic properties, including grants-in-aid and matching funds therefor; providing for the financing thereof by the issuance of bonds and bond anticipation notes authorizing certain charges against state agencies, occupants, or users of such properties; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2936, by Senator Williams:

AN ACT Relating to water well construction; amending section 2, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.020; and repealing section 9, chapter 212, Laws of 1971 ex. sess., section 55, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.104.090.

Referred to Committee on Ecology.

SENATE BILL NO. 2937, by Senator Clarke:

AN ACT Relating to international wills; and adding a new chapter to Title 11 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2938, by Senators Bluechel and Rasmussen:

AN ACT Relating to rehabilitation; and amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2939, by Senators Conner, Bottiger and Hayner:

AN ACT Relating to land use; amending section 1, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.010; amending section 2, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.020; amending section 6, chapter 271, Laws of 1969 ex. sess. as amended by section 3, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.060; amending section 9, chapter 271, Laws of 1969 ex. sess. as amended by section 4, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.090; amending section 10, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.100; amending section 11, chapter 271, Laws of 1969 ex. sess. as amended by section 5, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.110; amending section 15, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.150; amending section 30, chapter 271, Laws of 1969 ex.

sess. And RCW 58.17.165; amending section 17, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.170; amending section 18, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.180; and adding new sections to chapter 58.17 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2940, by Senators Jones, Ridder and Sellar:

AN ACT Relating to intoxicating liquor; and amending section 1, chapter 250, Laws of 1969 ex. sess. and RCW 66.44.315.

Referred to Committee on Commerce.

SENATE BILL NO. 2941, by Senator Williams:

AN ACT Relating to condominiums; and creating new sections.

Referred to Committee on Ecology.

SENATE BILL NO. 2942, by Senator Williams:

AN ACT Relating to solid waste management.

Referred to Committee on Ecology.

SENATE BILL NO. 2943, by Senator Wilson:

AN ACT Relating to the indigency requirements for the appointment of counsel in juvenile court.

Referred to Judiciary Committee.

SENATE BILL NO. 2944, by Senator Rasmussen (by Office of Financial Management request):

AN ACT Relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2945, by Senators Marsh and Hayner:

AN ACT Relating to juveniles.

Referred to Judiciary Committee.

SENATE BILL NO. 2946, by Senator Morrison:

AN ACT Relating to the distribution of sales tax revenue.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2947, by Senator Lysen:

AN ACT Relating to the creation of a state department of energy.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2948, by Senator Guess:

AN ACT Relating to vehicle licensing.

Referred to Committee on Transportation.

SENATE BILL NO. 2949, by Senator Sellar:

AN ACT Relating to land use.

Referred to Committee on State Government.

SENATE BILL NO. 2950, by Senator Henry:

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SENATE BILL NO. 2951, by Senator Henry:

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SENATE BILL NO. 2952, by Senator Henry:

AN ACT Relating to marine transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2953, by Senator Henry:

AN ACT Relating to public transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 2954, by Senator Williams:  
AN ACT Relating to solid waste management.  
Referred to Committee on Ecology.

SENATE BILL NO. 2955, by Senator Henry:  
AN ACT Relating to public transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 2956, by Senator Henry:  
AN ACT Relating to transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 2957, by Senator Henry:  
AN ACT Relating to transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 2958, by Senator Henry:  
AN ACT Relating to transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 2959, by Senator Henry:  
AN ACT Relating to transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 2960, by Senator Donohue:  
AN ACT Relating to sales and use taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2961, by Senator Donohue:  
AN ACT Relating to correctional facilities; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2962, by Senator Bottiger:  
AN ACT Relating to corporal punishment.  
Referred to Judiciary Committee.

SENATE BILL NO. 2963, by Senator Donohue:  
AN ACT Relating to education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2964, by Senator Donohue:  
AN ACT Relating to higher education; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2965, by Senator Donohue:  
AN ACT Relating to jails; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2966, by Senator Donohue:  
AN ACT Relating to gift taxation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2967, by Senator Donohue:  
AN ACT Relating to the operating budget.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2968, by Senator Donohue:  
AN ACT Relating to capital budget.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2969, by Senator Donohue:  
AN ACT Relating to public transportation; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 2970, by Senator Goltz:  
AN ACT Relating to legislative ethics.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2971, by Senator Bottiger:  
AN ACT Relating to registration of utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2972, by Senator Bottiger:  
AN ACT Relating to registration of utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2973, by Senator Bottiger:  
AN ACT Relating to regulation of energy sites.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2974, by Senator Bottiger:  
AN ACT Relating to regulation of energy sites.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2975, by Senator Bottiger:  
AN ACT Relating to regulation of energy sites.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2976, by Senator Bottiger:  
AN ACT Relating to energy conservation.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2977, by Senator Bottiger:  
AN ACT Relating to energy conservation.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2978, by Senator Bottiger:  
AN ACT Relating to energy conservation.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2979, by Senator Bottiger:  
AN ACT Relating to energy.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2980, by Senator Bottiger:  
AN ACT Relating to energy.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2981, by Senator Bottiger:  
AN ACT Relating to utility rates.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2982, by Senator Bottiger:  
AN ACT Relating to utility rates.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2983, by Senator Bottiger:  
AN ACT Relating to utility rates.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2984, by Senator Bottiger:  
AN ACT Relating to energy sites.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2985, by Senator Bottiger:  
AN ACT Relating to energy sites.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2986, by Senator Bottiger:  
AN ACT Relating to licensing of small hydroelectric stations.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2987, by Senator Bottiger:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2988, by Senator Bottiger:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2989, by Senator Rasmussen (by Executive request):  
AN ACT Relating to state government.  
Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 124, by Senator Woody:  
Amending the Constitution.  
Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 125, by Senators Woody, Odegaard,  
Bausch, Walgren, Peterson, Day, Henry, Bottiger, Marsh, Donohue and Shinpoch:  
Amending the Constitution.  
Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 109, by Senator Donohue:  
Making legislative determinations regarding proposed jail standards.  
Referred to Committee on Ways and Means.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2890, 2891, 2895, 2916, 2923, 2925, 2929, SJR 125.

#### MOTION

On motion of Senator Newschwander, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2931.

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

#### MOTIONS

On motion of Senator Lysen, the Committee on Labor was relieved from further consideration of Senate Bill No. 2926.

On motion of Senator Lysen, Senate Bill No. 2926 was rereferred to the Committee on Natural Resources.

On motion of Senator Walgren, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 2294, by Senators Van Hollebeke and Clarke:  
Increasing money amount for jurisdiction of justice of peace court.

#### MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2294 was substituted for Senate Bill No. 2294 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute Senate Bill No. 2294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Wilson: "Senator Van Hollebeke, I wanted to clear up two points, the first, I think, you have already covered. That is where we are talking about justice of the peace court, we are talking about district court?"

Senator Van Hollebeke: "That is correct, yes."

Senator Wilson: "The second question is, would anything in this bill prevent a party involved in the amounts of money described in this bill from taking his case directly into superior court rather than first going into district court?"

Senator Van Hollebeke: "No, this does not."

Senator Wilson: "He would be able to go to superior court if he wanted?"

Senator Van Hollebeke: "No prohibition against going directly to superior court."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Vognild—2.

**SUBSTITUTE SENATE BILL NO. 2294**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

**SENATE BILL NO. 2021**, by Senators Hayner and Guess:  
Controlling contraband in state correctional institutions.

### REPORT OF STANDING COMMITTEE

January 24, 1979.

**SENATE BILL NO. 2021**, controlling contraband in state correctional institutions (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 3, line 3, after "center," strike "and" and after "center" and before the period insert ", Pine Lodge correctional center and other state correctional facilities used solely for the purpose of confinement of convicted felons".

On page 3, after section 7, add a new section to read as follows:

"**NEW SECTION, Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 4 of the title, after the semicolon strike "and".

On page 1, line 5 of the title, after "penalties" and before the period insert "and declaring an emergency".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Hayner, the committee amendments to page 3 were adopted.

On motion of Senator Pullen, the following amendment by Senators Pullen, Bausch, Lewis, Rasmussen and Hayner was adopted:

On page 2, line 17, after "RCW 9A.04.110" insert:

"**PROVIDED**, That the provisions of this section do not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the correctional institution premises, proceeds directly along an access road to the administration building and promptly checks his or her firearm(s) with the appropriate authorities. The person may reclaim his or her firearm(s) upon leaving, but he or she must immediately and directly depart from the premises."

On motion of Senator Hayner, the following amendment by Senators Hayner, Pullen and Marsh was adopted:

On page 2, after line 33, insert:

"**NEW SECTION**, Sec. 5. The perimeter of the premises of correctional institutions covered by this act shall be posted at reasonable intervals to alert the public as to the existence of this act."

Renumber subsequent sections accordingly.

On motion of Senator Hayner, the committee amendments to the title were adopted.

On motion of Senator Hayner, the rules were suspended, Engrossed Senate Bill No. 2021 was advanced to third reading, the second 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. 2021 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Vognild—2.

**ENGROSSED SENATE BILL NO. 2021**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

**SENATE BILL NO. 2033**, by Senators Rasmussen, Bluechel, Newschwander and Conner (by Legislative Budget Committee request):

Relating to state purchasing.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Odegaard: "Senator Rasmussen, I would assume by the transfer of this authority that the general administration must not be doing a very good job with our inventory. Is that the reason for the bill or is there some other reason we don't know about?"

Senator Rasmussen: "No. Each of the institutions maintain their own inventory so there is no central inventory at the present time. This would allow OFM to set rules and regulations regarding the inventory."

Senator Odegaard: "Doesn't the general administration now have the responsibility for inventory?"

Senator Rasmussen: "No. Each institution and division of government maintain their own inventories."

Senator Odegaard: "Then our digest must be incorrect."

Senator Rasmussen: "That could be."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2033 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Vognild—2.

SENATE BILL NO. 2033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2118, by Senators Quigg, Sellar and Talley:

Modifying the definition of public agency in the Interlocal Cooperation Act.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2118 was substituted for Senate Bill No. 2118 and substitute bill was placed on second reading and read the second time in full.

Senator Wilson moved adoption of the following amendment by Senators Wilson, Lee, Talley and Quigg:

On page 1, beginning on line 10, after "any" strike all material down to and including "States;" on line 22 and insert the following:

"((city, town, county, public utility district, irrigation district, port district, fire protection district, school district, educational service district, air pollution control authority, rural county library districts, intercounty rural library districts, public hospital districts, regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state, any agency of the state government or of) agency, political subdivision, or unit of local government of this state including, but not limited to, special purpose and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government;"

## POINT OF INQUIRY

Senator Rasmussen: "Senator Wilson, this is a pretty broad amendment. We have operating, of course, numerous public corporations that operate without actual government supervision. Have you had the opportunity to review this and to see just what broad powers we are granting?"

Senator Wilson: "We are granting no powers by adoption of this amendment other than permitting these entities to cooperate with each other by engaging in projects of mutual benefit. An entity's ability to participate in the interlocal cooperation act does not permit it to do anything that it is not otherwise authorized to do by law."

## MOTION

Senator Rasmussen moved that Substitute Senate Bill No. 2118 together with the pending amendment by Senators Wilson, Lee, Talley, and Quigg be held for further consideration on Friday, February 8, 1979.

Debate ensued.

The motion by Senator Rasmussen carried.

## MOTION

At 10:55 a.m., on motion of Senator Walgren, the Senate recessed until 11:50 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

## SECOND READING

SENATE BILL NO. 2147, by Senators Williams, Lee, Talmadge and Conner: Limiting liability of persons donating food items to nonprofit organizations.

## REPORT OF STANDING COMMITTEE

January 26, 1979.

SENATE BILL NO. 2147, limiting liability of persons donating food items to nonprofit organizations (reported by Judiciary Committee):

Recommendation do pass with the following amendment:

On line 12, after "Sale" insert "or distribution".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Williams, the committee amendment was not adopted.

On motion of Senator Clarke, the following amendment by Senators Clarke, Marsh and Williams was adopted:

On page 1, line 12, after "RCW." strike all material down through "standards." on line 16.

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 2147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Senator Williams, I approve entirely of the concept of this bill. As you know, we are attempting to divest ourselves of the habit, however, of dumping too many additional responsibilities on local government without putting

up the resources to accommodate those responsibilities. It is unclear to me as to whether county health departments or any other local government entities might become involved in what would be for them a new inspection obligation. A local government fiscal note has been requested in connection with this bill but is not yet available. Rather than holding up its passage, I would ask whether you might arrange for the House members involved in moving this bill to give consideration to the local government fiscal note bill if it should show an additional impact on local government of any consequence?"

Senator Williams: "Yes, Senator Wilson. The latter section of the bill does allow for appropriate state and/or local agencies to inspect food for wholesomeness and establish procedures and so forth. Though I personally believe that this will not be a problem, there is the potential, I suppose, for this and I would certainly do as you have suggested and insure that the sponsors in the House are fully cognizant of any impact that might show up."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2147 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2191, by Senators Bottiger, Benitz, Hayner and Lee:

Declaring geothermal resources to be the private property of owner of the surface land.

The bill was read the second time by sections.

Senator Goltz moved adoption of the following amendment by Senators Goltz and Talmadge:

On page 1, line 9, strike "to be" down to and including "resource" on line 10 and insert "public property".

### POINT OF INQUIRY

Senator Guess: "Senator Goltz, in the case of most of the gravels of the streams of the state of Washington, the department of natural resources and the managing of those sources for the state requires a payment of a royalty. Now, can you tell me that this would then make that private person who goes to the expense of developing a thermal source on his own property, pay in perpetuity to the department of natural resources a separation tax?"

Senator Goltz: "I would like to yield to Senator Bottiger to answer that question."

Senator Bottiger: "Senator Guess and members of the Senate, in the committee hearings we were reminded several times by staff and by those that testified that we are talking about geothermal sources capable of producing electricity. We got into a discussion about the person that puts the heat pump down and extracts hot water, digs a deep well and uses a heat pump to exchange the heat of the water for a

resource, but unless it was for the use of generating electricity, this bill would not apply. That falls under the water resource act. If you are withdrawing water then you would have to go natural resources under present law."

Senator Guess: "But this now establishes that whoever goes in for geothermal purposes is going to have to pay the department of natural resources a separations tax on bringing that material out of the ground when he owns the surface. He goes to the expense of developing the well, he digs the other well to put that water back in the ground as required. Now you are going to make him pay for it. Is that right?"

Senator Bottiger: "If you adopt the amendment then there would be a royalty or severance tax payable to the state of Washington. Without the amendment, there would be a royalty . . . I would presume the surface owner isn't going to give it away. There would be a royalty just like you contract with oil.

"This is the choice. In the committee there is a third choice and that is you can give it to the mineral right owner which is generally the railroads or the oil companies and we all decided we didn't want to do that."

Debate ensued.

### MOTION

On motion of Senator Bluechel, Senate Bill No. 2191 together with the pending amendment by Senators Goltz and Talmadge was ordered held for the second reading calendar on Friday, February 9, 1979.

### MOTIONS

On motion of Senator Jones, Senator Gallagher was excused.

On motion of Senator Wilson, Senator Fleming was excused.

### SECOND READING

SENATE BILL NO. 2133, by Senators McDermott and Gould:

Allowing costs incurred relating to sale and issuance of school district bonds to be deducted from the bond proceeds.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 2133 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Morrison: "Senator McDermott, we don't mean to mislead anyone. These are not the costs of bonds, these are the costs of the sale and issuance of bonds. Is that correct?"

Senator McDermott: "Yes."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2133 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lysen, Williams—2.

Excused: Senators Fleming, Gallagher, Keefe—3.

SENATE BILL NO. 2133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:15 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, February 9, 1979.

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

### THIRTY-THIRD DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 9, 1979.

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 and Keefe. On motion of Senator Wilson, Senators Bottiger, Donohue and Keefe were excused.

The Color Guard, consisting of Pages Sharlene Buffington and Tom Gygi, presented the Colors. Reverend Lester G. Olson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"GOOD MORNING LORD, LORD, PLEASE LISTEN WHEN WE TELL YOU HOW BUSY WE ARE, HOW MUCH WE HAVE TO DO EACH DAY, HOW MANY PEOPLE WE HAVE TO SEE, PHONES TO ANSWER, SCHEDULES TO GET BEHIND AND LIVES TO CARE FOR. IN FACT, WE ARE ALMOST ALWAYS LATE, LORD.

"ARE YOU LISTENING, LORD? OH YES, NOW WE HEAR YOU— BUT IT IS NOT WHAT WE EXPECTED LORD. DID YOU JUST SAY 'LET JUSTICE FLOW DOWN LIKE LIVING WATERS'? THAT'S ALL? 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

SENATE BILL NO. 2111, pertaining to taxation of timber and timber lands (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2136, authorizing agreements for purpose of conducting multi-state dental licensing examinations (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2157, revising laws relating to savings and loan associations (reported by Committee on Financial Institutions and Insurance):

Recommendation: That Substitute Senate Bill No. 2157 be substituted therefor, and that Substitute Senate Bill No. 2157 do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2174, prohibiting the unlawful possession and sale of drug-related paraphernalia (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2176, revising the law relating to state debts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Shinpoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL No. 2237, modifying and extending the senior citizens service act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Social and Health Services and as amended by Committee on Ways and Means.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1979.

SENATE BILL NO. 2304, pertaining to taxation and regulation of special fuel (by DOL Request) (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2304 be substituted therefor, and that Substitute Senate Bill No. 2304 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Hansen, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2342, adding a court reporter to the Judicial Council (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2355, revising the laws regulating osteopaths (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2404, fixing the intervals between audits for local governments (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2404 be substituted therefor, and that Substitute Senate Bill No. 2404 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Henry, Lee, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2417, adding certain procedures for imposing and enforcing restitution to the victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2492, requiring emergency teletypewriters to aid persons with hearing defects (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2564, regulating transportation of hazardous materials (reported by Committee on Transportation):

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

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE JOINT RESOLUTION NO. 101, amending the Constitution to allow property tax relief (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 101 be substituted therefor, and that Substitute Senate Joint Resolution No. 101 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Wojahn.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Walgren, the following Introductions and Referrals of Senate Bills were made as indicated on the short title sheet with the following exceptions: 3023 will be read and held on the desk of the Secretary of the Senate pending referral; 3051 referred to the Judiciary Committee; 3053 referred to the Committee on Transportation; 3058 referred to the Judiciary Committee; 3076 referred to the Committee on State Government; 3093 referred to the Judiciary Committee; 3107 referred to the Committee on State Government; 3129 referred to the Committee on Ways and Means; 3139 referred to the Committee on Ways and Means; 3142 referred to the Committee on State Government.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 2990, by Senators Rasmussen, Wojahn, Gaspard and Gallagher:

AN ACT Relating to state development and world fairs; establishing a commission; describing its powers and duties; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2991, by Senators Rasmussen and Guess:

AN ACT Relating to environmental policy; and amending section 2, chapter 179, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 278, Laws of 1977 ex. sess. and RCW 43.21C.080.

Referred to Committee on Ecology.

SENATE BILL NO. 2992, by Senator Scott:

AN ACT Relating to insurance; granting an exemption to certain nonprofit insurers and institutions issuing gift annuities; amending section 1, chapter ... (House Bill No. 342), Laws of 1979 and RCW 21.20.310; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2993, by Senators Bottiger, Hayner, Lewis and Bausch:

AN ACT Relating to public utility districts; amending section 3, chapter 1, Laws of 1931 as amended by section 1, chapter 53, Laws of 1977 and RCW 54.08-.010; and amending section 3, chapter 106, Laws of 1969 and RCW 54.08.070.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 2994, by Senator Scott:

AN ACT Relating to retirement systems; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2995, by Senator Scott:

AN ACT Relating to the certification of personnel employed in the common schools; and amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A-70.005.

Referred to Committee on Education.

SENATE BILL NO. 2996, by Senator Peterson:

AN ACT Relating to acquisition and exchange of lands for park purposes; creating new sections; and making an appropriation.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2997, by Senators Bausch and Jones:

AN ACT Relating to the privacy of financial affairs; adding a new section to chapter 9.73 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 2998, by Senators Hansen and Benitz:

AN ACT Relating to environmental policy; amending section 3, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.030; amending section 6, chapter 109, Laws of 1971 ex. sess. as amended by section 2, chapter 278, Laws of 1977 ex. sess. and RCW 43.21C.060; amending section 3, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.090; and adding new sections to chapter 43.21C RCW.

Referred to Committee on Ecology.

**SENATE BILL NO. 2999, by Senator Rasmussen:**

AN ACT Relating to the excise tax on sale of real estate; and amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45.010.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3000, by Senators Odegaard, Donohue, Woody, Talley, Conner, Peterson and Goltz:**

AN ACT Relating to revenue and taxation; amending section 1, chapter 347, Laws of 1977 ex. sess. and RCW 82.04.291; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; amending section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.080; amending section 9, chapter 294, Laws of 1971 ex. sess. as amended by section 3, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.090; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 5, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.120; amending section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.140; amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060; amending section 12, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.108; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 9, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.200; adding a new section to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW; repealing section 3, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.030; repealing section 9, chapter 123, Laws of 1975-'76 2nd ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3001, by Senators Odegaard, Jones and Rasmussen (by Department of Retirement Systems request):**

AN ACT Relating to the retirement of public employees; adding a new chapter to Title 41 RCW; providing an effective date; and making an appropriation.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3002, by Senator Bausch:**

AN ACT Relating to gambling.

Referred to Committee on Commerce.

**SENATE BILL NO. 3003, by Senator Bausch:**

AN ACT Relating to public lands; and creating a new section.

Referred to Committee on Local Government.

**SENATE BILL NO. 3004, by Senator Walgren:**

AN ACT Relating to local government.

Referred to Committee on Local Government.

**SENATE BILL NO. 3005, by Senator Walgren:**

AN ACT Relating to sewer and water systems.

Referred to Committee on Local Government.

**SENATE BILL NO. 3006, by Senator Walgren:**

AN ACT Relating to utilities.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3007, by Senator Scott:**

AN ACT Relating to day care.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3008, by Senator Walgren:  
AN ACT Relating to salaries of elected officials.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3009, by Senator Walgren:  
AN ACT Relating to the reduction of state spending.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3010, by Senators Odegaard, Walgren, Ridder, von Reichbauer, Bausch, Talley, Gaspard, Van Hollebeke, Moore, Wojahn, Talmadge and Vognild:

AN ACT Relating to the public employees' retirement system; and amending section 1, chapter 274, Laws of 1947 as last amended by section 16, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3011, by Senator Bausch:

AN ACT Relating to game; amending section 10, chapter 177, Laws of 1963 as amended by section 1, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.20-.015; amending section 28, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32-.191; and repealing section 11, chapter 177, Laws of 1963 and RCW 77.20.016.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3012, by Senators McDermott, Shinpoch, Goltz, North, Bottiger and Jones:

AN ACT Relating to works of art; and adding a new chapter to Title 19 RCW.  
Referred to Judiciary Committee.

SENATE BILL NO. 3013, by Senators Lee and Morrison:

AN ACT Relating to motor vehicle liability insurance; amending section 20, chapter 241, Laws of 1969 ex. sess. as amended by section 3, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.18.292; amending section 27, chapter 150, Laws of 1967 and RCW 48.22.030; adding a new chapter to Title 46 RCW; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3014, by Senators Marsh, Bottiger, Hayner and Clarke:

AN ACT Relating to the interstate compact on juveniles; and amending section 1, chapter 284, Laws of 1955 and RCW 13.24.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3015, by Senators McDermott, Gould, Fleming and Goltz (by Washington State Arts Commission request):

AN ACT Relating to the support of state and local government; providing for the planning, acquisition, construction, remodeling, equipping, improvement, restoration, and redevelopment of state-wide visual and performing arts and museum facilities including grants therefor; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies, occupants, or users of these facilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3016, by Senator Gould:

AN ACT Relating to local government; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3017, by Senators Morrison and Day:

AN ACT Relating to prepaid health care services; and amending section 1, chapter 268, Laws of 1947 as last amended by section 1, chapter 87, Laws of 1965 and RCW 48.44.010.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3018, by Senators Lee and von Reichbauer:

AN ACT Relating to revenue and taxation; and amending section 2, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3019, by Senators Goltz and Williams:

AN ACT Relating to shoreline development; and amending section 14, chapter 286, Laws of 1971 ex. sess. as last amended by section 1, chapter 358, Laws of 1977 ex. sess. and RCW 90.58.140.

Referred to Committee on Ecology.

SENATE BILL NO. 3020, by Senators Bausch and Conner:

AN ACT Relating to commerce, economic, and cultural recreation development; providing for the planning, design, construction, furnishing, and landscaping of a recreational performing arts facility; providing for the financing thereof by issuance of bonds and anticipation notes; authorizing the acceptance of gifts or dedication of real property as a site for such facilities; adding new sections to chapter 43.31 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3021, by Senators Bausch, Conner and Talley:

AN ACT Relating to the public employees' retirement system; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3022, by Senators Lee, Talley and North:

AN ACT Relating to local government disposition of found and unclaimed personal property; adding a new chapter to Title 63 RCW; repealing section 3266, Code of 1881 and RCW 63.20.010; repealing section 3270, Code of 1881 and RCW 63.20.020; repealing section 3267, Code of 1881 and RCW 63.20.030; repealing section 3268, Code of 1881 and RCW 63.20.040; repealing section 3269, Code of 1881 and RCW 63.20.050; repealing section 1, chapter 100, Laws of 1925 ex. sess., section 1, chapter 148, Laws of 1939, section 1, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.32.010; repealing section 2, chapter 100, Laws of 1925 ex. sess. and RCW 63.32.020; repealing section 3, chapter 100, Laws of 1925 ex. sess., section 2, chapter 148, Laws of 1939 and RCW 63.32.030; repealing section 4, chapter 100, Laws of 1925 ex. sess., section 3, chapter 148, Laws of 1939 and RCW 63.32.040; repealing section 2, chapter 289, Laws of 1959, section 2, chapter 44, Laws of 1973 1st ex. sess., section 1, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.010; repealing section 3, chapter 289, Laws of 1959, section 3, chapter 44, Laws of 1973 1st ex. sess., section 2, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.020; repealing section 4, chapter 289, Laws of 1959, section 3, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.030; repealing section 1, chapter 104, Laws of 1961, section 4, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.40.010; repealing section 2, chapter 104, Laws of 1961 and RCW 63.40.020; repealing section 3, chapter 104, Laws of 1961 and RCW 63.40.030; repealing section 4, chapter 104, Laws of 1961 and RCW 63.40.040; and repealing section 5, chapter 104, Laws of 1961 and RCW 63.40.050.

Referred to Committee on Local Government.

SENATE BILL NO. 3024, by Senators Hayner and Clarke:

AN ACT Relating to sales under execution and redemption; amending section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140; and amending section 12, chapter 53, Laws of 1899 and RCW 6.24.180.

Referred to Judiciary Committee.

SENATE BILL NO. 3025, by Senators Lee, Lysen and Hansen:

AN ACT Relating to eminent domain; amending section 9, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.090; amending section 3, chapter 137, Laws of 1967 ex. sess. as amended by section 3, chapter 39, Laws of 1971 ex. sess. and RCW 8.25.070; amending section 1, chapter 78, Laws of 1977 ex. sess. and RCW 47.12.063; and adding a new section to chapter 8.25 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3026, by Senators Bottiger, Ridder, Gould and Hayner:

AN ACT Relating to truancy; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; and amending section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140.

Referred to Judiciary Committee.

SENATE BILL NO. 3027, by Senator Lysen:

AN ACT Relating to certain procedures in educational employment relations; and amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120.

Referred to Committee on Labor.

SENATE BILL NO. 3028, by Senator Lysen:

AN ACT Relating to public employee collective bargaining.

Referred to Committee on Labor.

SENATE BILL NO. 3029, by Senators Gaspard and Bottiger:

AN ACT Relating to revenue and taxation; and amending and reenacting section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 187, Laws of 1973 1st ex. sess. and by section 96, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3030, by Senators Odegaard, Walgren, Wilson, Donohue, Rasmussen, von Reichbauer, McDermott, Day, Williams, Lysen, Peterson, Wojahn, Ridder, Moore, Vognild and Talmadge:

AN ACT Relating to state government; amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; and repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160.

Referred to Committee on State Government.

**SENATE BILL NO. 3031, by Senator Gaspard:**

AN ACT Relating to school district boards of directors; and amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 97, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.101.

Referred to Committee on Education.

**SENATE BILL NO. 3032, by Senators Morrison and Day:**

AN ACT Relating to licensing of physicians.

Referred to Committee on Social and Health Services.

**SENATE BILL NO. 3033, by Senators Gaspard, Benitz and Hansen:**

AN ACT Relating to irrigation districts; amending section 2, chapter 138, Laws of 1923 as last amended by section 1, chapter 206, Laws of 1967 and RCW 87.03.015; amending section 11, page 677, Laws of 1889-90 as last amended by section 5, chapter 129, Laws of 1921 and RCW 87.03.115; amending section 12, page 678, Laws of 1889-90 as last amended by section 6, chapter 129, Laws of 1921 and RCW 87.03.140; amending section 37, page 690, Laws of 1889-90 as last amended by section 7, chapter 171, Laws of 1939 and RCW 87.03.445; amending section 2, chapter 31, Laws of 1933 and RCW 87.03.450; amending section 11, chapter 162, Laws of 1917 as last amended by section 1, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.485; amending section 1, chapter 57, Laws of 1949 as amended by section 1, chapter 74, Laws of 1973 and RCW 87.28.010; amending section 2, chapter 57, Laws of 1949 as last amended by section 2, chapter 74, Laws of 1973 and RCW 87.28.020; amending section 3, chapter 57, Laws of 1949 as amended by section 3, chapter 74, Laws of 1973 and RCW 87.28.030; amending section 4, chapter 57, Laws of 1949 and RCW 87.28.035; amending section 5, chapter 57, Laws of 1949 and RCW 87.28.040; amending section 8, chapter 57, Laws of 1949 and RCW 87.28.100; amending section 9, chapter 57, Laws of 1949 and RCW 87.28.103; adding new sections to chapter 87.28 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

**SENATE BILL NO. 3034, by Senators Benitz and Morrison:**

AN ACT Relating to a toll bridge across the Columbia river in the vicinity of the Horns Rapids road and a state highway connecting thereto; amending section 47.56.220, chapter 13, Laws of 1961 and RCW 47.56.220; amending section 88, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.435; adding new sections to chapter 47.56 RCW; creating new sections; and making appropriations.

Referred to Committee on Transportation.

**SENATE BILL NO. 3035, by Senators Benitz, Hansen and Wanamaker:**

AN ACT Relating to water well construction; amending section 3, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.030; amending section 4, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.040; amending section 7, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.070; amending section 10, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.100; amending section 11, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.110; amending section 12, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.120; amending section 13, chapter 212, Laws of 1971 ex. sess. and RCW 18.104.130; and adding new sections to chapter 18.104 RCW.

Referred to Committee on Agriculture.

**SENATE BILL NO. 3036, by Senator Williams:**

AN ACT Relating to local government; adding a new section to chapter 43.19 RCW; and making an appropriation.

Referred to Committee on Local Government.

SENATE BILL NO. 3037, by Senators Goltz and Guess:

AN ACT Relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3038, by Senators Goltz, Newschwander, Wilson and Sellar (by Joint Board of Legislative Ethics request):

AN ACT Relating to legislative ethics; amending section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030; amending section 6, chapter 150, Laws of 1967 ex. sess. as amended by section 5, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.070; and amending section 8, chapter 218, Laws of 1977 ex. sess. and RCW 44.60.110.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3039, by Senators McDermott, Hayner, Moore and Gould:

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 3040, by Senator Conner:

AN ACT Relating to public employment; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 8, chapter 152, Laws of 1977 ex. sess. and RCW 28B.16.100; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.150; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030; amending section 9, chapter 108, Laws of 1967 ex. sess. as amended by section 20, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.090; amending section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020; amending section 7, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.050; adding a new section to chapter 41.58 RCW; repealing section 14, chapter 215, Laws of 1969 ex. sess., section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; and repealing section 13, chapter 215, Laws of 1969 ex. sess. and RCW 41.06.340.

Referred to Committee on Labor.

SENATE BILL NO. 3041, by Senator Lee:

AN ACT Relating to the leasehold excise tax.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3042, by Senator Lysen:

AN ACT Relating to public employee collective bargaining.

Referred to Committee on Labor.

SENATE BILL NO. 3043, by Senator Lysen:

AN ACT Relating to unemployment compensation.

Referred to Committee on Labor.

SENATE BILL NO. 3044, by Senator Van Hollebeke:

AN ACT Relating to moorage.

Referred to Committee on Commerce.

SENATE BILL NO. 3045, by Senator Van Hollebeke:

AN ACT Relating to ecology.

Referred to Committee on Ecology.

SENATE BILL NO. 3046, by Senator Van Hollebeke:

AN ACT Relating to transportation.

Referred to Committee on Transportation.

SENATE BILL NO. 3047, by Senator Benitz:  
AN ACT Relating to cloud seeding.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3048, by Senators Gaspard and Hansen:  
AN ACT Relating to meat inspection.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3049, by Senator Benitz:  
AN ACT Relating to agriculture.  
Referred to Committee on Agriculture.

SENATE BILL NO. 3050, by Senator Clarke:  
AN ACT Relating to permanent planning for children and termination of  
parental rights.  
Referred to Judiciary Committee.

SENATE BILL NO. 3051, by Senator Odegaard:  
AN ACT Relating to financial responsibility of motorists.  
Referred to Judiciary Committee.

SENATE BILL NO. 3052, by Senator Talley:  
AN ACT Relating to fund raisers.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3053, by Senator Fleming:  
AN ACT Relating to motor vehicle dealers.  
Referred to Committee on Transportation.

SENATE BILL NO. 3054, by Senator Talley:  
AN ACT Relating to fund raisers.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3055, by Senator Bluechel:  
AN ACT Relating to mutual savings banks.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3056, by Senator Bluechel:  
AN ACT Relating to banks and banking.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3057, by Senator Bluechel:  
AN ACT Relating to insurance.  
Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3058, by Senator Bluechel:  
AN ACT Relating to civil causes of action.  
Referred to Judiciary Committee.

SENATE BILL NO. 3059, by Senator Quigg:  
AN ACT Relating to shoreline management.  
Referred to Committee on Ecology.

SENATE BILL NO. 3060, by Senator Bottiger:  
AN ACT Relating to utilities.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3061, by Senator Quigg:  
AN ACT Relating to natural resources.  
Referred to Committee on Natural Resources.

SENATE BILL NO. 3062, by Senator Quigg:  
AN ACT Relating to commerce.  
Referred to Committee on Commerce.

SENATE BILL NO. 3063, by Senator Bottiger:  
AN ACT Relating to energy.  
Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3064, by Senators Marsh and Hayner:  
AN ACT Relating to landlords and tenants of mobile home lots.  
Referred to Judiciary Committee.

SENATE BILL NO. 3065, by Senators Woody, Walgren, Odegaard, Bausch, Peterson, Day, Henry, Bottiger, Marsh, Donohue, Shinpoch and Wilson:  
AN ACT Relating to redistricting and reapportionment.  
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3066, by Senators Rasmussen, Gould and Day (by State Auditor request):

AN ACT Relating to the state auditor; amending section 1, page 35, Laws of 1883 and RCW 10.46.220; amending section 316, page 250, Laws of 1873 as last amended by section 1, page 35, Laws of 1883 and RCW 10.46.230; amending section 4, chapter 284, Laws of 1955 and RCW 13.24.040; amending section 47.24.010, chapter 13, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1977 ex. sess. and RCW 47.24.010; amending section 84.56.280, chapter 15, Laws of 1961 and RCW 84.56.280; and amending section 84.56.290, chapter 15, Laws of 1961 and RCW 84.56.290.

Referred to Committee on State Government.

SENATE BILL NO. 3067, by Senator Hansen:

AN ACT Relating to crimes; and amending section 9A.32.050, chapter 260, Laws of 1975 1st ex. sess. as amended by section 4, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.32.050.

Referred to Judiciary Committee.

SENATE BILL NO. 3068, by Senators Donohue and Day:

AN ACT Relating to the support of state government; providing for additional financial assistance to port districts to encourage, stimulate, and develop necessary port projects, including the cost of acquisition and development of land and improvements for port facilities as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of port facilities and equipment; creating new sections; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3069, by Senators Bottiger and North:

AN ACT Relating to energy; and amending section 8, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.080.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3070, by Senators Moore, Lysen and Day:

AN ACT Relating to consumer protection; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 3071, by Senators Morrison, Henry and Bausch:

AN ACT Relating to commercial and business transactions; and amending section 1, chapter 142, Laws of 1969 ex. sess. as last amended by section 1, chapter 180, Laws of 1975 1st ex. sess. and RCW 19.52.080.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 3072, by Senator Bottiger:**

AN ACT Relating to the business and occupation tax; and amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3073, by Senator Talmadge:**

AN ACT Relating to product liability; and adding a new chapter to Title 7 RCW.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 3074, by Senators McDermott, Donohue, Ridder and Matson:**

AN ACT Relating to common school transportation; amending section 28A.58.550, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 42, Laws of 1970 ex. sess. and RCW 28A.58.550; amending section 1, chapter 210, Laws of 1977 ex. sess. and RCW 28A.58.131; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.160; amending section 3, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.355; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW; repealing section 28A.24.055, chapter 223, Laws of 1969 ex. sess., section 3, chapter 153, Laws of 1969 ex. sess., section 3, chapter 24, Laws of 1971, section 1, chapter 45, Laws of 1973 and RCW 28A.24.055; repealing section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; repealing section 28A.24.080, chapter 223, Laws of 1969 ex. sess., section 104, chapter 176, Laws of 1969 ex. sess., section 32, chapter 282, Laws of 1971 ex. sess., section 54, chapter 275, Laws of 1975 1st ex. sess., section 1, chapter 80, Laws of 1977 and RCW 28A.24.080; repealing section 28A.24.100, chapter 223, Laws of 1969 ex. sess., section 10, chapter 66, Laws of 1971 ex. sess., section 2, chapter 80, Laws of 1977 and RCW 28A.24.100; repealing section 1, chapter 78, Laws of 1971, section 2, chapter 45, Laws of 1973 and RCW 28A.24.110; repealing section 2, chapter 78, Laws of 1971 and RCW 28A.24.111; repealing section 3, chapter 78, Laws of 1971 and RCW 28A.24.112; repealing section 3, chapter 45, Laws of 1973 and RCW 28A.24.120; repealing section 1, chapter 24, Laws of 1971 and RCW 28A.24.170; repealing section 2, chapter 24, Laws of 1971, section 1, chapter 171, Laws of 1974 ex. sess. and RCW 28A.24.172; repealing section 1, chapter 93, Laws of 1974 ex. sess. and RCW 28A.24.180; and making an effective date.

Referred to Committee on Education.

**SENATE BILL NO. 3075, by Senators Gould and Rasmussen:**

AN ACT Relating to cemeteries, morgues, and human remains; amending section 4, chapter 247, Laws of 1943 and RCW 68.04.040; amending section 6, chapter 247, Laws of 1943 and RCW 68.04.060; amending section 16, chapter 247, Laws of 1943 and RCW 68.04.160; amending section 32, chapter 290, Laws of 1953 as amended by section 2, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.050; amending section 39, chapter 290, Laws of 1953 and RCW 68.05.090; amending section 42, chapter 290, Laws of 1953 as amended by section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130; amending section 44, chapter 290, Laws of 1953 as amended by section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150; amending section 45, chapter 290, Laws of 1953 as amended by section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160; amending section 40, chapter 290, Laws of 1953 as last amended by section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180; amending section 30, chapter 290, Laws of 1953 as amended by section 1, chapter 133, Laws of 1961 and RCW 68.05.280; amending

section 31, chapter 247, Laws of 1943 and RCW 68.08.180; amending section 91, chapter 247, Laws of 1943 and RCW 68.32.040; amending section 98, chapter 247, Laws of 1943 and RCW 68.32.060; amending section 120, chapter 247, Laws of 1943 as amended by section 5, chapter 290, Laws of 1953 and RCW 68.40.020; amending section 127, chapter 247, Laws of 1943 as amended by section 13, chapter 290, Laws of 1953 and RCW 68.44.030; amending section 114, chapter 247, Laws of 1943 and RCW 68.44.140; amending section 115, chapter 247, Laws of 1943 and RCW 68.44.150; amending section 1, chapter 68, Laws of 1973 1st ex. sess. as amended by section 1, chapter 55, Laws of 1975 1st ex. sess. and RCW 68.46.010; amending section 3, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.030; amending section 6, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.060; amending section 7, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.070; amending section 6, chapter 351, Laws of 1977 ex. sess. and RCW 68.46.120; amending section 146, chapter 247, Laws of 1943 and RCW 68.48.070; adding a new section to chapter 68.04 RCW; adding a new section to chapter 68.05 RCW; adding a new section to chapter 68.40 RCW; adding new sections to chapter 68.46 RCW; repealing section 131, chapter 247, Laws of 1943, section 15, chapter 290, Laws of 1953 and RCW 68.44.050; and prescribing penalties.

Referred to Committee on State Government.

**SENATE BILL NO. 3076, by Senators Donohue and Day:**

**AN ACT** Relating to port districts; adding a new chapter to Title 53 RCW; and providing an effective date.

Referred to Committee on State Government.

**SENATE BILL NO. 3077, by Senators Odegaard and Henry:**

**AN ACT** Relating to drivers' licenses; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

**SENATE BILL NO. 3078, by Senators Hayner, Clarke, Bottiger, Lee, Benitz, Guess, Lewis and Jones:**

**AN ACT** Relating to juveniles; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; amending section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; adding new sections to chapter 13.40 RCW; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; repealing section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; repealing section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; repealing section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; repealing section 72,

chapter 291, Laws of 1977 ex. sess. and RCW 13.40.180; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

**SENATE BILL NO. 3079**, by Senators McDermott and Morrison:

AN ACT Relating to certain procedures in educational employment relations; amending section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120; and creating a new section.

Referred to Committee on Education.

**SENATE BILL NO. 3080**, by Senators Bottiger, Goltz and North:

AN ACT Relating to gas, electrical, and water company rates; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3081**, by Senator Rasmussen:

AN ACT Relating to buy-back of fishing licenses and permits; and amending section 4, chapter 183, Laws of 1975 1st ex. sess. as amended by section 4, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.510.

Referred to Committee on Natural Resources.

**SENATE BILL NO. 3082**, by Senators Goltz and North:

AN ACT Relating to the valuation of public utility property; and amending section 80.04.250, chapter 14, Laws of 1961 and RCW 80.04.250.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3083**, by Senators McDermott, Fleming and Ridder:

AN ACT Relating to energy; adding a new chapter to Title 43 RCW; creating a new section; repealing section 1, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.010; repealing section 2, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.020; repealing section 3, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.030; repealing section 4, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.040; repealing section 5, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.050; repealing section 6, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.060; repealing section 7, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21F.070; repealing section 1, chapter 45, Laws of 1970 ex. sess. section 29, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.010; repealing section 2, chapter 45, Laws of 1970 ex. sess., section 30, chapter 108, Laws of 1975-'76 2nd ex. sess., section 2, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.020; repealing section 3, chapter 45, Laws of 1970 ex. sess., section 46, chapter 171, Laws of 1974 ex. sess., section 31, chapter 108, Laws of 1975-'76 2nd ex. sess., section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; repealing section 4, chapter 45, Laws of 1970 ex. sess., section 32, chapter 108, Laws of 1975-'76 2nd ex. sess., section 4, chapter 371, Laws of 1977 ex. sess., and RCW 80.50.040; repealing section 6, chapter 45, Laws of 1970 ex. sess., section 34, chapter 108, Laws of 1975-'76 2nd ex. sess., section 5, chapter 371, Laws of 1977 ex. sess., and RCW 80.50.060; repealing section 16, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.071; repealing section 17, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.075; repealing section 8, chapter 45, Laws of 1970 ex. sess., section 6, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.080; repealing section 10, chapter 45, Laws of 1970 ex. sess., section 36, chapter 108, Laws of 1975-'76 2nd ex. sess., section 8, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.100; repealing section 11, chapter 45, Laws of 1970 ex. sess., section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110; repealing section 12, chapter 45, Laws of 1970 ex. sess., section 38, chapter 108, Laws of 1975-'76 2nd ex. sess., section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120;

repealing section 13, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.130; repealing section 14, chapter 45, Laws of 1970 ex. sess., section 11, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.140; repealing section 15, chapter 45, Laws of 1970 ex. sess., section 12, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.150; repealing section 16, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.160; repealing section 2, chapter 110, Laws of 1974 ex. sess., section 40, chapter 108, Laws of 1975-'76 2nd ex. sess., section 13, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.175; repealing section 14, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.180; repealing section 15, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.190; repealing section 42, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.800; repealing section 17, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.900; repealing section 3, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.901; repealing section 20, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.902; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3084, by Senator Goltz:

AN ACT Relating to higher education; amending section 4, chapter ... (HB No. 348), Laws of 1979 and RCW 28B.35.205; creating new sections; and adding a new section to chapter 132, Laws of 1975 1st ex. sess. and to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3085, by Senators Fleming, Ridder and McDermott:

AN ACT Relating to public utilities; adding a new chapter to Title 80 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3086, by Senators Bottiger and Walgren:

AN ACT Relating to counties; amending section 2, chapter 72, Laws of 1967 and RCW 36.94.020; amending section 20, chapter 72, Laws of 1967 and RCW 36.94.200; amending section 22, chapter 72, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.220; amending section 23, chapter 72, Laws of 1967 as amended by section 10, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.230; amending section 24, chapter 72, Laws of 1967 as amended by section 11, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.240; amending section 27, chapter 72, Laws of 1967 and RCW 36.94.270; and adding new sections to chapter 36.94 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3087, by Senators Bottiger, North and Talley:

AN ACT Relating to energy and utilities; and adding a new chapter to Title 19 RCW.

Referred to Committee on Energy and Utilities.

SENATE BILL NO. 3088, by Senators Bottiger and Walgren:

AN ACT Relating to local improvement districts; and amending section 35.49-.020, chapter 7, Laws of 1965 as amended by section 14, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.020.

Referred to Committee on Local Government.

SENATE BILL NO. 3089, by Senators Day and Moore:

AN ACT Relating to convulsive treatment; adding a new chapter to Title 71 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3090, by Senators Fleming, Lysen, Moore and Vognild:

AN ACT Relating to labor relations; enacting a state labor-management relations act; amending section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150; adding a new chapter to Title 49 RCW; and making an appropriation.

Referred to Committee on Labor.

SENATE BILL NO. 3091, by Senator Rasmussen:

AN ACT Relating to state government; amending section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32-.180; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 3092, by Senators Day, Scott and Talmadge:

AN ACT Relating to child welfare services; and amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3093, by Senator Gould:

AN ACT Relating to takeover of companies; and adding new sections to chapter 21.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3094, by Senators Bottiger and Walgren:

AN ACT Relating to counties; amending section 1, chapter 72, Laws of 1967 as amended by section 1, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.010; amending section 3, chapter 72, Laws of 1967 and RCW 36.94.030; amending section 5, chapter 72, Laws of 1967 as amended by section 2, chapter 96, Laws of 1971 ex. sess. and RCW 36.94.050; amending section 16, chapter 72, Laws of 1967 and RCW 36.94.160; amending section 22, chapter 72, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.220; and amending section 26, chapter 72, Laws of 1967 and RCW 36.94.260.

Referred to Committee on Local Government.

SENATE BILL NO. 3095, by Senators Bottiger and Walgren:

AN ACT Relating to the municipal water and sewer facilities act; and amending section 35.91.020, chapter 7, Laws of 1965 as amended by section 1, chapter 113, Laws of 1967 and RCW 35.91.020.

Referred to Committee on Local Government.

SENATE BILL NO. 3096, by Senator Hansen:

AN ACT Relating to beer and wine; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3097, by Senator Henry:

AN ACT Relating to the courts; amending section 11, page 343, Laws of 1890 as last amended by section 6, chapter 81, Laws of 1971 and RCW 2.08.180; amending section 1, chapter 286, Laws of 1961 as amended by section 2, chapter 30, Laws of 1971 and RCW 2.12.012; and amending section 1, chapter 124, Laws of 1909 as last amended by section 1, chapter 87, Laws of 1967 ex. sess. and RCW 2.24.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3098, by Senators Wilson and Talley:

AN ACT Relating to public lands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3099, by Senators Rasmussen and Scott (by Office of Financial Management request):

AN ACT Relating to state government; amending section 43.88.020, chapter 8, Laws of 1965 as last amended by section 4, chapter 83, Laws of 1975-'76 2nd ex. sess. and RCW 43.88.020; amending section 43.88.070, chapter 8, Laws of 1965 and RCW 43.88.070; amending section 43.88.110, chapter 8, Laws of 1965 as amended by section 6, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.88.110; amending section 43.88.130, chapter 8, Laws of 1965 and RCW 43.88.130; and amending section 2, chapter 320, Laws of 1977 ex. sess. and RCW 43.88.290.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3100, by Senator Henry:

AN ACT Relating to the regulation of vessels; and adding new sections to chapter 88.04 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 3101, by Senators Donohue and Newschwander (by Superintendent of Public Instruction request):

AN ACT Relating to the common schools and the support thereof; providing for the construction of common school plant facilities and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of the bonds; and adding new sections to Title 28A RCW as a new chapter thereof.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3102, by Senator Hayner:

AN ACT Relating to elections and terms of office of judges of the court of appeals; amending section 3, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.075; providing an effective date; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3103, by Senator Fleming (by Insurance Commissioner request):

AN ACT Relating to insurance; adding a new chapter to Title 48 RCW; repealing section 19, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.291; repealing section 20, chapter 241, Laws of 1969 ex. sess., section 3, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.18.292; repealing section 21, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.293; repealing section 2, chapter 95, Laws of 1967 ex. sess., section 22, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.295; repealing section 23, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.296; and repealing section 24, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.297.

Referred to Committee on Financial Institutions and Insurance.

SENATE BILL NO. 3104, by Senators Clarke, Walgren, McDermott and Jones:

AN ACT Relating to revenue and taxation; amending section 4, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.0531; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3105, by Senators Benitz, Rasmussen and Talley (by Department of Veterans Affairs request):

AN ACT Relating to veterans; and amending section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04.010.

Referred to Committee on State Government.

SENATE BILL NO. 3106, by Senators Benitz and Rasmussen (by Department of Veterans Affairs request):

AN ACT Relating to veterans; amending section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 198, Laws of 1975 1st ex. sess. and RCW 73.16.010; and amending section 2, chapter 84, Laws of 1895 and RCW 73.16.020.

Referred to Committee on State Government.

SENATE BILL NO. 3107, by Senator Gould:

AN ACT Relating to public employment; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1977 ex. sess. and RCW 41.06.150; and amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020.

Referred to Committee on State Government.

SENATE BILL NO. 3108, by Senators McDermott, Gould and Gaspard:

AN ACT Relating to the motor vehicle excise tax; and amending section 82.44.010, chapter 15, Laws of 1961 as last amended by section 54, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.010.

Referred to Committee on Education.

SENATE BILL NO. 3109, by Senators Marsh and Wanamaker:

AN ACT Relating to prevailing wages on public works; and amending section 2, chapter 63, Laws of 1945 and RCW 39.12.030.

Referred to Committee on Labor.

SENATE BILL NO. 3110, by Senators Moore, McDermott, Goltz, Guess, Jones and Matson:

AN ACT Providing for the establishment and operation of a state convention center system; authorizing the issuance of state general obligation bonds therefor; imposing a special state excise tax collectable within counties where convention centers are planned or constructed to assist in financing the cost thereof; allocating certain other state tax revenues thereto; providing for cooperation and coordination with local government; amending section 6, chapter 236, Laws of 1967 as amended by section 2, chapter 34, Laws of 1973 2nd ex. sess. and RCW 67.28.130; adding a new chapter to Title 67 RCW; and creating new sections.

Referred to Committee on Commerce.

SENATE BILL NO. 3111, by Senator Talley:

AN ACT Relating to benefits and claims for unemployment compensation; amending section 37, chapter 35, Laws of 1945 and RCW 50.04.360; and amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090.

Referred to Committee on Labor.

SENATE BILL NO. 3112, by Senators Woody, Day, Bottiger and Matson:

AN ACT Relating to the regulation of cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010; amending section 8, chapter 215, Laws of 1937 as amended by section 17, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.020; amending section 1, chapter 215, Laws of 1937 as last amended by section 18, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.030; amending section 18, chapter 215, Laws of 1937 as amended by section 19, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.040; amending section 2,

chapter 180, Laws of 1951 as last amended by section 21, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.050; amending section 2, chapter 324, Laws of 1959 as last amended by section 22, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.065 amending section 4, chapter 180, Laws of 1951 as last amended by section 4, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.070; amending section 7, chapter 215, Laws of 1937 as last amended by section 24, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.100; amending section 1, chapter 168, Laws of 1953 and RCW 18.18.102; amending section 2, chapter 168, Laws of 1953 as last amended by section 30, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.18.104; amending section 4, chapter 168, Laws of 1953 and RCW 18.18.108; amending section 4, chapter 313, Laws of 1955 as last amended by section 25, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.110; amending section 5, chapter 313, Laws of 1955 and RCW 18.18.130; amending section 7, chapter 180, Laws of 1951 as last amended by section 2, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.140; amending section 7, chapter 52, Laws of 1957 as amended by section 6, chapter 324, Laws of 1959 and RCW 18.18.160; amending section 8, chapter 52, Laws of 1957 as amended by section 7, chapter 324, Laws of 1959 and RCW 18.18.170; amending section 8, chapter 180, Laws of 1951 as last amended by section 26, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.190; amending section 4, chapter 215, Laws of 1937 and RCW 18.18.200; amending section 9, chapter 180, Laws of 1951 as last amended by section 13, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.210; amending section 15, chapter 215, Laws of 1937 as last amended by section 28, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.220; amending section 11, chapter 52, Laws of 1957 as last amended by section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260; amending section 12, chapter 52, Laws of 1957 as amended by section 30, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.270; amending section 16, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.290; amending section 20, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.300; adding a new section to chapter 18.18 RCW; repealing section 9, chapter 215, Laws of 1937, section 5, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.080; and repealing section 5, chapter 180, Laws of 1951, section 3, chapter 313, Laws of 1955, section 4, chapter 324, Laws of 1959, section 6, chapter 3, Laws of 1965 ex. sess., section 23, chapter 148, Laws of 1973 1st ex. sess., section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090.

Referred to Committee on Commerce.

SENATE BILL NO. 3113, by Senators Gaspard and Bottiger:

AN ACT Relating to the licensing of massage businesses and operators; repealing section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010; repealing section 2, chapter 280, Laws of 1975 1st ex. sess., section 57, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.108.020; repealing section 3, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.030; repealing section 4, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.040; repealing section 5, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.050; repealing section 6, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.060; repealing section 7, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.070; repealing section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; repealing section 10, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.090; repealing section 11, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.100; repealing section 12, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.110; repealing section 13, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.120; repealing section 14, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.130; repealing section 15, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.140; repealing section 16, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.150; repealing section 17, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.160; repealing section 18, chapter

280, Laws of 1975 1st ex. sess. and RCW 18.108.170; repealing section 19, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.180; repealing section 20, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.190; repealing section 21, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.200; repealing section 22, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.210; and repealing section 23, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.900.

Referred to Committee on Commerce.

**SENATE BILL NO. 3114**, by Senator Goltz:

AN ACT Relating to higher education; and amending section 28B.10.640, chapter 223, Laws of 1969 ex. sess. as amended by section 29, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.640.

Referred to Committee on Higher Education.

**SENATE BILL NO. 3115**, by Senator Goltz:

AN ACT Relating to higher education; and reenacting section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 9, Laws of 1973 1st ex. sess. and by section 4, chapter 147, Laws of 1973 1st ex. sess. and RCW 28B.10.660.

Referred to Committee on Higher Education.

**SENATE BILL NO. 3116**, by Senators Donohue, Walgren, Odegaard, Bottiger, Conner and Wojahn:

AN ACT Relating to revenue and taxation; adding a new chapter to Title 44 RCW; and creating a new section.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3117**, by Senators Odegaard, Morrison and Gaspard (by Superintendent of Public Instruction request):

AN ACT Relating to education; amending section 72.05.010, chapter 28, Laws of 1959 and RCW 72.05.010; amending section 72.05.140, chapter 28, Laws of 1959 and RCW 72.05.140; amending section 72.20.080, chapter 28, Laws of 1959 and RCW 72.20.080; amending section 72.33.040, chapter 28, Laws of 1959 as last amended by section 62, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.040; amending section 72.33.050, chapter 28, Laws of 1959 and RCW 72.33.050; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

**SENATE BILL NO. 3118**, by Senators Walgren, Odegaard, Wojahn and Vognil:

AN ACT Relating to elections; amending section 3, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.075; amending section 29.01.090, chapter 9, Laws of 1965 as amended by section 9, chapter 329, Laws of 1977 ex. sess. and RCW 29.01.090; amending section 29.04.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.020; amending and reenacting section 29.04.040, chapter 9, Laws of 1965 as last amended by section 1, chapter 128, Laws of 1977 ex. sess. and by section 4, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055; amending section 2, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.150; amending section 3, chapter 46, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 226, Laws of 1977 ex. sess. and RCW 29.04.160; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 111, Laws of 1975-'76 2nd ex. sess. and RCW 29.13.010; amending section 29.33.180, chapter 9, Laws of 1965 as amended by section 62, chapter 361, Laws of 1977 ex. sess. and RCW 29.33.180; amending section 29.36.030, chapter 9, Laws of 1965 as

last amended by section 77, chapter 361, Laws of 1977 ex. sess. and RCW 29.36-.030; amending section 29.39.030, chapter 9, Laws of 1965 as last amended by section 4, chapter 4, Laws of 1973 and RCW 29.39.030; amending section 29.42.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 85, Laws of 1973 and RCW 29.42.030; amending section 29.42.040, chapter 9, Laws of 1965 as amended by section 6, chapter 4, Laws of 1973 and RCW 29.42.040; amending section 29.42.050, chapter 9, Laws of 1965 as last amended by section 7, chapter 4, Laws of 1973 and RCW 29.42.050; amending section 1, chapter 32, Laws of 1967 ex. sess. and RCW 29.42.070; amending section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010; amending section 1, chapter 56, Laws of 1977 and RCW 29.81.014; amending section 29.82.100, chapter 9, Laws of 1965 as last amended by section 108, chapter 361, Laws of 1977 ex. sess. and RCW 29.82.100; repealing section 2, chapter 4, Laws of 1973, section 1, chapter 4, Laws of 1975-'76 2nd ex. sess., section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971, section 14, chapter 329, Laws of 1977 ex. sess. and RCW 29.30.080; and declaring an emergency.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 3119**, by Senator Ridder:

AN ACT Relating to preferential and exclusive lane use by certain motor vehicles; amending section 2, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.64 RCW; and providing penalties.

Referred to Committee on Transportation.

**SENATE BILL NO. 3120**, by Senators Lysen, Bottiger and North:

AN ACT Relating to energy; amending section 2, chapter 260, Laws of 1969 ex. sess. as amended by section 14, chapter 328, Laws of 1977 ex. sess. and RCW 44.39.015; adding new sections to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3121**, by Senators Walgren, Rasmussen and Wilson:

AN ACT Relating to state government; and amending section 1, chapter 84, Laws of 1977 ex. sess. and RCW 34.04.045.

Referred to Committee on State Government.

**SENATE BILL NO. 3122**, by Senators Marsh, Hayner, Clarke, Bottiger, Lee, Benitz, Lewis, Sellar, Guess and Jones:

AN ACT Relating to juveniles; amending section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; amending section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; amending section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; amending section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; adding new sections to chapter 13.32 RCW; adding a new section to chapter 74.15 RCW; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020;

repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; making an appropriation; and declaring an emergency.

Referred to Judiciary Committee.

**SENATE BILL NO. 3123**, by Senators Lysen, Vognild, Moore and Talmadge: AN ACT Relating to labor relations; amending section 1, chapter 185, Laws of 1919 and RCW 49.36.010; and adding new sections to chapter 49.36 RCW.

Referred to Committee on Labor.

**SENATE BILL NO. 3124**, by Senators Donohue, McDermott, Wojahn, Day, Williams, Goltz, Gaspard, Matson, Odegaard, Clarke, Jones, Lysen, Shinpoch, Moore, Van Hollebeke, Vognild, Talmadge, Fleming, Talley, Hansen and Peterson:

AN ACT Relating to business and occupation taxation; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; amending section 82.04.430, chapter 15, Laws of 1961 as last amended by section 1, chapter 105, Laws of 1977 ex. sess. and RCW 82.04.430; amending section 82.04.460, chapter 15, Laws of 1961 as amended by section 9, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.460; amending section 82.16.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 368, Laws of 1977 ex. sess. and RCW 82.16.050; adding new sections to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3125**, by Senator Pullen:

AN ACT Relating to crimes; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Judiciary Committee.

**SENATE BILL NO. 3126**, by Senators Talley, Wojahn and Woody:

AN ACT Relating to cosmetology; amending section 1, chapter 25, Laws of 1974 ex. sess. and RCW 18.18.010; amending section 5, chapter 180, Laws of 1951 as last amended by section 13, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.18.090; amending section 11, chapter 52, Laws of 1957 as last amended by section 1, chapter 310, Laws of 1977 ex. sess. and RCW 18.18.260; and adding a new section to chapter 18.18 RCW.

Referred to Committee on Commerce.

**SENATE BILL NO. 3127**, by Senator von Reichbauer:

AN ACT Relating to elections; amending section 60, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.081; amending section 29.51.170, chapter 9, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170; and repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971, section 14, chapter 329, Laws of 1977 ex. sess. and RCW 29.30.080.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 3128**, by Senator von Reichbauer:

AN ACT Relating to compensation of victims of crimes; and adding a new section to chapter 7.68 RCW.

Referred to Judiciary Committee.

**SENATE BILL NO. 3129**, by Senators Bausch, Conner, Rasmussen and Wojahn:

AN ACT Relating to commerce, economic and cultural recreation development; providing for the planning, design, construction, furnishing, and landscaping of recreational performing arts facilities; providing for the financing thereof by issuance of bonds and anticipation notes; authorizing the acceptance of gifts of real

property as a site for such facilities; adding new sections to chapter 43.31 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3130**, by Senators McDermott, Hayner, Gaspard and Morrison:

**AN ACT** Relating to certain educational facilities; and amending section 1, chapter 303, Laws of 1977 ex. sess. and RCW 28A.02.110.

Referred to Committee on Education.

**SENATE BILL NO. 3131**, by Senator Guess:

**AN ACT** Relating to school district certificated employees; creating new sections; adding new sections to chapter 288, Laws of 1975 1st ex. sess. and to chapter 41.59 RCW; and providing penalties.

Referred to Committee on Labor.

**SENATE BILL NO. 3132**, by Senator Bausch:

**AN ACT** Relating to the state fire marshal; amending section .33.09, chapter 79, Laws of 1947 and RCW 48.48.090; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

**SENATE BILL NO. 3133**, by Senators Scott, Gould and Gaspard:

**AN ACT** Relating to the licensing of publicly owned motor vehicles including school buses; and amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 5, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.020.

Referred to Committee on Transportation.

**SENATE BILL NO. 3134**, by Senators Bottiger and Gaspard:

**AN ACT** Relating to the licensing of massage businesses and operators; amending section 2, chapter 280, Laws of 1975 1st ex. sess. as amended by section 57, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.108.020; amending section 4, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.040; amending section 5, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.050; amending section 13, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.120; amending section 15, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.140; amending section 16, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.150; amending section 18, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.170; amending section 19, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.180; amending section 20, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.190; amending section 21, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.200; adding new sections to chapter 18.108 RCW; repealing section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; repealing section 11, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.100; repealing section 12, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.110; repealing section 14, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.130; and prescribing penalties.

Referred to Committee on Commerce.

**SENATE BILL NO. 3135**, by Senator Lysen:

**AN ACT** Relating to energy; amending section 43.52.250, chapter 8, Laws of 1965 as amended by section 1, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.250; creating a new section; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3136**, by Senator Goltz:

**AN ACT** Relating to open government; and adding a new section to chapter 1, Laws of 1973 (Initiative Measure No. 276) and to chapter 42.17 RCW.

Referred to Committee on Constitution and Elections.

**SENATE BILL NO. 3137, by Senator Goltz:**

AN ACT Relating to unemployment compensation; and amending section 21, chapter 3, Laws of 1971 as last amended by section 17, chapter 292, Laws of 1977 ex. sess. and RCW 50.44.040.

Referred to Committee on Labor.

**SENATE BILL NO. 3138, by Senator Morrison:**

AN ACT Relating to unemployment compensation; amending section 80, chapter 35, Laws of 1945 as last amended by section 7, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 11, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.010; adding new sections to chapter 50.29 RCW; repealing section 13, chapter 2, Laws of 1970 ex. sess., section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040; repealing section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050; repealing section 18, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.140; and providing an effective date.

Referred to Committee on Labor.

**SENATE BILL NO. 3139, by Senators Gould and McDermott:**

AN ACT Relating to revenue and taxation; amending section 4, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.0531; creating new sections; providing for the expiration of a certain subsection hereof; and declaring an emergency.

Referred to Committee on Ways and Means.

**SENATE BILL NO. 3140, by Senators Walgren, Goltz and Rasmussen:**

AN ACT Relating to housing; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Local Government.

**SENATE BILL NO. 3141, by Senators North, Bausch and Woody:**

AN ACT Relating to public utility districts; and amending section 12, chapter 1, Laws of 1931 and RCW 54.04.030.

Referred to Committee on Energy and Utilities.

**SENATE BILL NO. 3142, by Senators Walgren, Rasmussen and Wilson:**

AN ACT Relating to administrative rule making; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 5, chapter 234, Laws of 1959 as amended by section 9, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.050; amending section 1, chapter 19, Laws of 1977 and RCW 34.04.058; amending section 3, chapter 240, Laws of 1977 ex. sess. and RCW 34.08.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 7, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.070; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; and adding a new section to chapter 240, Laws of 1977 ex. sess. and to chapter 34.08 RCW.

Referred to Committee on State Government.

**SENATE BILL NO. 3143, by Senator Goltz:**

AN ACT Relating to higher education; and adding a new section to chapter 283, Laws of 1969 ex. sess. and to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3144, by Senators Donohue, Day, Walgren and Matson:

AN ACT Relating to taxation by cities, towns, and counties; amending section 82.02.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 94, Laws of 1970 ex. sess. and RCW 82.02.020; and adding a new chapter to chapter 4, Laws of 1963 and to Title 36 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3145, by Senators Walgren, Bausch, Gaspard, Marsh and Bottiger (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; repealing section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400; making an appropriation; and providing effective dates.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3146, by Senator Quigg:

AN ACT Relating to county transportation authorities; and amending section 3, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.030.

Referred to Committee on Transportation.

SENATE BILL NO. 3147, by Senator Quigg:

AN ACT Relating to revenue and taxation; amending and reenacting section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 166, Laws of 1977 ex. sess., by section 1, chapter 179, Laws of 1977 ex. sess. and by section 1, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.08.030; and amending and reenacting section 82.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 166, Laws of 1977 ex. sess., by section 111, chapter 169, Laws of 1977 ex. sess., and by section 2, chapter 2, Laws of 1979 (Initiative Measure No. 345, approved November 8, 1977) and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3148, by Senator von Reichbauer:

AN ACT Relating to common carrier railroads; adding new sections to chapter 81.40 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Transportation.

SENATE BILL NO. 3149, by Senator Quigg:

AN ACT Relating to the educational employment relations act; amending section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; amending section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120; creating new sections; adding new sections to chapter 288, Laws of 1975 1st ex. sess. and to chapter 41.59 RCW; and providing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 3150, by Senator von Reichbauer:

AN ACT Relating to elevator regulation.

Referred to Committee on Labor.

SENATE BILL NO. 3151, by Senators Quigg and Day:

AN ACT Relating to the elderly.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3152, by Senators Quigg and Day:

AN ACT Relating to nursing homes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3153, by Senator von Reichbauer:  
AN ACT Relating to outdoor recreation.  
Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3154, by Senator Quigg:  
AN ACT Relating to juveniles.  
Referred to Judiciary Committee.

SENATE BILL NO. 3155, by Senator Rasmussen:  
AN ACT Relating to state government; and establishing a department of fish  
and wildlife.  
Referred to Committee on State Government.

SENATE BILL NO. 3156, by Senator von Reichbauer:  
AN ACT Relating to rail transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 3157, by Senator Lee:  
AN ACT Relating to juveniles.  
Referred to Judiciary Committee.

SENATE BILL NO. 3158, by Senator Donohue:  
AN ACT Relating to retirement systems; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3159, by Senator Donohue:  
AN ACT Relating to tuition and fees; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3160, by Senator Donohue:  
AN ACT Relating to ports; and making an appropriation.  
Referred to Committee on Ways and Means.

SENATE BILL NO. 3161, by Senator McDermott:  
AN ACT Relating to education for handicapped children; amending section  
28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2,  
chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; and amending section  
28A.13.050, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter  
66, Laws of 1971 ex. sess. and RCW 28A.13.050.  
Referred to Committee on Education.

SENATE BILL NO. 3162, by Senators Donohue, Matson and Walgren:  
AN ACT Relating to licensing self-insurance safety and claims administration  
service corporations; and adding a new chapter to Title 51 RCW.  
Referred to Committee on Financial Institutions and Insurance.

SENATE JOINT MEMORIAL NO. 106, by Senators Wojahn,  
Newschwander, Bottiger, Rasmussen, Gaspard and Gallaghan:  
Requesting federal aid for the Milwaukee Railroad.  
Referred to Committee on Transportation.

SENATE JOINT MEMORIAL NO. 107, by Senator Bottiger:  
Requesting that the Bonneville Power Administration be authorized to support  
pilot developmental plants.  
Referred to Committee on Energy and Utilities.

SENATE JOINT MEMORIAL NO. 108, by Senator von Reichbauer:  
Requesting federal aid in training local emergency response teams to deal with  
accidents involving transport of hazardous materials.  
Referred to Committee on Transportation.

SENATE JOINT MEMORIAL NO. 109, by Senator von Reichbauer:

Requesting the federal government to provide an improved placarding system to mark transporters of hazardous materials.

Referred to Committee on Transportation.

SENATE JOINT MEMORIAL NO. 110, by Senator Hansen:

Requesting the federal government to keep the Stampede Pass Weather Observation station a manned station.

Referred to Committee on Agriculture.

SENATE JOINT MEMORIAL NO. 111, by Senator von Reichbauer:

Asking Congress and the administration to leave responsibility for handling accidents involving transport of hazardous materials at local level.

Referred to Committee on Transportation.

SENATE CONCURRENT RESOLUTION NO. 110, by Senators Walgren, Odegaard, Matson and Newschwander:

Extending an invitation to the National Conference of State Legislatures to meet in Seattle in 1982.

Referred to Committee on State Government.

SENATE CONCURRENT RESOLUTION NO. 111, by Senator Lysen:

Establishing a joint select committee to review and investigate WPPSS.

Referred to Committee on Energy and Utilities.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Gubernatorial Appointment No. 80, Milford F. Vanik.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator Woody, the appointment of Milford F. Vanik as a member of the Public Disclosure Commission was confirmed.

#### APPOINTMENT OF MILFORD F. VANIK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Ridder, Scott, Williams—3.

Excused: Senators Bottiger, Keefe—2.

#### MOTION

On motion of Senator Rasmussen, the appointment of Anson Blaker as a member of the Public Employees' Retirement Board was confirmed.

#### MOTION

On motion of Senator Walgren, Senators Ridder and Williams were excused.

### APPOINTMENT OF ANSON BLAKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Bottiger, Keefe, Ridder, Williams—4.

### MOTION

On motion of Senator Rasmussen, the appointment of Justin Lee as a member of the Public Employees' Retirement Board was confirmed.

### APPOINTMENT OF JUSTIN LEE

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

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bottiger, Keefe—2.

### MOTION

On motion of Senator Rasmussen, the appointment of John D. Richmond as a member of the Public Employees' Retirement board was confirmed.

### APPOINTMENT OF JOHN D. RICHMOND

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

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bottiger, Keefe—2.

### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute Senate Bill No. 2118 which had been held on the second reading calendar from February 8, 1979.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 2118**, by Committee on Local Government (originally sponsored by Senators Quigg, Sellar and Talley):

Modifying the definition of public agency in the Interlocal Cooperation Act.

The Senate resumed consideration of Substitute Senate Bill No. 2118 and the following pending amendment by Senators Wilson, Lee, Talley and Quigg which was held from Thursday, February 8, 1979.

On page 1, beginning on line 10, after "any" strike all material down to and including "States;" on line 22 and insert the following: "~~((city, town, county, public utility district, irrigation district, port district, fire protection district, school district, educational service district, air pollution control authority, rural county library districts, intercounty rural library districts, public hospital districts, regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state, any agency of the state government or of))~~ agency, political subdivision, or unit of local government of this state including, but not limited to, special purpose and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government;"

### POINT OF INQUIRY

Senator Gould: "Senator Wilson, I have a couple of questions, if I may. One is the use of the word 'agency of a local government'. I am one that believes very strongly in local government and giving them as much local powers as possible. However, I wonder how far or what the intention is of using the word 'agency'? That is my first question."

"The second one is, later on line 28, it says 'local service districts'. I would like to know what a 'local service district' is—if that is defined in law and what is meant by 'local service district'. This is more for clarification than anything else.

"My third request is to understand what the reason for including Indian tribes is so that we can specifically have that in the Journal."

Senator Wilson: "Senator Gould, in response to your first question. The word 'agency' which would appear on line 10 of the bill, according to my understanding would simply refer not only to any agency in the general sense of the scene involved in local government but also a state agency that wished to cooperate with a local entity and that is an authority which had previously been contained in the intergovernmental cooperation act.

"Your second question pertains to a definition of 'local service district' and it is my understanding that that reference simply pertains—is a general expression of local entities of government that provides services such as sewer districts, water districts, and what have you.

"Your third question pertained to why Indian tribes are included. Indian tribes were amended into this act about four years ago specifically on the basis of a request from the Spokane Indian tribe which wished to cooperate with the county there in a recreational development. The definition of Indian tribes as you will observe is limited to those which are recognized as such by the federal government."

Senator Gould: "If I may pursue it just one point further. When I asked about 'agency', I wasn't talking about line 10. I was talking about the amendment on line 25. The word is not 'public agency' but it is 'an agency of a local government'. It says, 'agency, political subdivision or unit of local government'. How would you define that agency?"

Senator Wilson: "Line 25 of the amendment would come in at line 10 of the bill . . . 'the term public agency shall mean any agency, political subdivision' and so forth. I would have to confess I am not sure what that word refers to. I don't believe it is needed and if it causes you to feel uneasy, I can't see anything wrong with taking it out."

Senator Gould: "It is not a matter of uneasiness, I guess it is, I just wondered how far down into the structure of a city, for instance, you would go by establishing

that a fact an agency itself within a city without really, as I see it, the authority or final decision made by the city council, how that agency can work into an interlocal agreement."

Senator Wilson: "I would have to agree there may be a certain vagueness about the employment of this term. However, I would emphasize again and I have a copy of the interlocal cooperation act here that it is very clear that no entity of any kind, whether you want to call it an agency, a commission, a board, a district, or whatever. No entity of any kind can exceed the authority it has been given under statute by virtue of the conclusion in the intergovernmental cooperation act. It can't do anything in partnership with another entity that it is not already authorized to do by law."

Senator Gould: "Thank you."

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

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2118 was advanced to third reading, the second 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. 2118, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bottiger, Keefe—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### PERSONAL PRIVILEGE

Senator Talley: "Senator Quigg, this is your number one bill of the session. Probably a bill that you will run for reelection on and I want you to note the splendid cooperation between the majority and the minority party on it."

### REMARKS BY SENATOR QUIGG

Senator Quigg: "In response to Senator Talley, I want to let you know that down in the nineteenth district without this kind of cooperation nothing would get done and I appreciate the assistance of the majority party in helping this bill get through. Believe me, it won't be forgotten. Thank you."

### SECOND READING

SENATE JOINT RESOLUTION NO. 112, by Senators Pullen, Day, Rasmussen, Hayner, Van Hollebeke, Vognild, Moore, Benitz, Bottiger, von Reichbauer, Fleming, Guess, Odegaard, Morrison, Bausch, Wojahn, Lewis, Talmadge, Wilson, Henry, Goltz, Peterson, Conner, Matson, Wanamaker, Sellar, Shinpoch, Lee, Jones, Quigg, Gaspard, North, Talley and Woody:

Amending the Constitution to permit a legislator to hold a civil office the salary of which was increased so long as he does not receive the increase.

## REPORT OF STANDING COMMITTEE

January 25, 1979.

SENATE JOINT RESOLUTION NO. 112, amending the Constitution to permit a legislator to hold a civil office the salary of which was increased so long as he does not receive the increase (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments.

On page 1, line 10 after "elected," strike "~~((shall))~~ may" and insert "shall"

On page 1, line 12 strike "~~((shall have))~~ has" and insert "shall have"

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

The resolution was read the second time in full.

On motion of Senator Pullen, the committee amendment to page 1, line 10 was adopted.

On motion of Senator Woody, the committee amendment to page 1, line 12 was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Joint Resolution No. 112 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTIONS

On motion of Senator Wilson, Senators Donohue and Rasmussen were excused.

On motion of Senator Jones, Senator Clarke was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 112, and the resolution passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shimpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Bottiger, Donohue, Keefe, Rasmussen—4.

ENGROSSED SENATE JOINT RESOLUTION NO. 112, having received the constitutional two-thirds majority, was declared passed.

## MOTION

At 10:47 a.m., on motion of Senator Walgren, the Senate recessed until 11:45 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:45 a.m.

## SECOND READING

SENATE BILL NO. 2191, by Senators Bottiger, Benitz, Hayner and Lee:

Declaring geothermal resources to be the private property of owner of the surface land.

The Senate resumed consideration of Senate Bill No. 2191 and the following pending amendment by Senators Goltz and Talmadge which was held from Thursday, February 8, 1979.

On page 1, section 1, line 9, strike "to be" down to and including "resource" on line 10 and insert "public property"

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Bottiger, do you think that putting this in the hands of the public would facilitate the exploration and development of energy sources if they have to go through all the department and perhaps the department would discourage the use of the land because it belonged to the state?"

Senator Bottiger: "It was not my impression from Mr. Cole's presentation that they were discouraging at all. They wanted to get the issue resolved so that this development could occur."

Debate ensued.

#### POINT OF INQUIRY

Senator Goltz: "I think in response in part to Senator Bluechel's statement that I would like to say that I believe he made an argument for the amendment.

"The problem of having private owners below the surface of the ground having the right to heat which is not stable and does not stay under the surface of the particular owner and then to expect that you have to restore the property to its original condition, I would like to ask Senator Bluechel how a developer of that energy in the private sector pulling the heat out of the earth is going to put it back in within five years. It seems to me that there is no possibility of restoring the private property right or the private property that is taken from under the surface of one owner by the taking of it from the surface of another owner."

Senator Bluechel: "Senator Goltz, if you are asking me the question how you restore the underground minerals or underground geothermal energy, that is not the issue. The law as it pertains to mineral rights says that you restore the surface area to its prior condition but there is also a substantial body of law pertaining to mineral rights and oil and gas that says you can't literally steal from somebody else's property—you can't slant drill into somebody else's property—you can't take what doesn't belong to you.

"It is a complicated set of laws that has been developed over quite a few years in all of the countries where underground minerals are taken, especially gas and oil. We would have to make an assumption unless we wanted to establish new statutory law in a complete new field that the law pertain to gas and oil would have some bearing on this type of thing and that has all been worked out and it worked satisfactory in every field around the world."

Further debate ensued.

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

The President declared the question before the Senate to be the amendment by Senators Goltz and Talmadge to Senate Bill No. 2191.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 15; nays, 33; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Fleming, Gaspard, Goltz, Lysen, McDermott, Ridder, Shinpoch, Talmadge, Williams, Wilson, Wojahn, Woody—15.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Donohue, Gallagher, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker—33.

Excused: Senator Keefe—1.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2191 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2191, and the bill passed the Senate by the following vote: Yeas, 43, nays, 5; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—43.

Voting nay: Senators Goltz, Lysen, Shipoch, Talmadge, Wilson—5.

Excused: Senator Keefe—1.

SENATE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### APPOINTMENT OF MEMORIAL COMMITTEE

The President appointed Senators Gaspard, North and Woody to the Memorial Committee under the provisions of House Concurrent Resolution No. 5.

### MOTION

On motion of Senator Walgren, the appointees were confirmed.

### MOTION

At 12:18 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, February 12, 1979.

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

## THIRTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 12, 1979.

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 Benitz, Gould, Hansen, Keefe, Lysen, Pullen, Scott, Sellar and Talley. On motion of Senator Lewis, Senator Gould was excused. On motion of Senator Wilson, Senators Keefe, Hansen, Lysen and Talley were excused.

The Color Guard, consisting of Pages Trina Elder and David Kirschbaum, presented the Colors. Reverend Med Brossard, pastor of Cross Roads Baptist Church of Bellevue, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, AS THE LEGISLATIVE SESSIONS OPEN THIS MORNING, WE THANK YOU THAT WE CAN TURN TO YOU IN THIS OCCASION BECAUSE WE KNOW THAT YOU HAVE ORDAINED GOVERNMENT FOR OUR GOOD. WE WOULD PRAY THAT YOUR PRESENCE HERE MIGHT BE FELT AND THAT THE WISDOM AND DIRECTION IN THE AFFAIRS OF THIS GREAT STATE WE MIGHT LOOK TO YOU BECAUSE YOU ARE THE SOURCE AND AUTHOR OF ALL WISDOM.

"SO WE COMMIT THIS SESSION TO YOU WITH THE CONFIDENCE OF KNOWING THAT YOU ARE PERSONALLY INTERESTED IN OUR AFFAIRS, BOTH PERSONALLY AND GOVERNMENTALLY, AND SO WE DO THIS WITH GRATEFULNESS AND GRATITUDE IN THE NAME OF THE LORD JESUS CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 7, 1979.

SENATE BILL NO. 2374, revising the property tax treatment of retired owners (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2374 be substituted therefor, and that Substitute Senate Bill No. 2374 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Fleming, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2402, providing for annual adjustments for disability and death benefits under the industrial insurance act (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2481, revising the law relating to spot checks by the state patrol (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2487, establishing a maximum state speed limit of 65 mph (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Gallagher, Guess, Hansen, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2580, adjusting workers' compensation payments (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 3023, by Senators Gaspard, Moore, Bluechel, Conner, Shinpoch, Lee, Talmadge and Vognild:

AN ACT Relating to dock location; adding a new chapter to Title 88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of confirmation of gubernatorial appointments.

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENT

##### MOTION

On motion of Senator Bottiger, the appointment of Nicholas D. Lewis as Chairman of the Washington State Energy Facility Site Evaluation Council was confirmed.

#### APPOINTMENT OF NICHOLAS D. LEWIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Absent or not voting: Senators Benitz, Pullen, Scott, Sellar—4.

Excused: Senators Gould, Hansen, Keefe, Lysen, Talley—5.

## MOTION

On motion of Senator Jones, Senator Scott was excused.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS  
MOTION

On motion of Senator Goltz, the appointment of Robert L. Flennaugh as a member of the Council on Postsecondary Education was confirmed.

## APPOINTMENT OF ROBERT L. FLENNAGH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Benitz—1.

Excused: Senators Gould, Hansen, Keefe, Lysen, Scott, Talley—6.

## MOTION

On motion of Senator Goltz, the appointment of Robert D. Larrabee as a member of the University of Washington Board of Regents was confirmed.

## APPOINTMENT OF ROBERT D. LARRABEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senator Benitz—1.

Excused: Senators Gould, Keefe, Lysen, Scott, Talley—5.

## MOTION

On motion of Senator Wilson, Senator Fleming was excused.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS  
MOTION

On motion of Senator Goltz, the appointment of Ms. Helen G. Sutton as a member of the Board of Trustees, Community College District No. 6. was confirmed.

## APPOINTMENT OF MS. HELEN G. SUTTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee,

Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Benitz—1.

Excused: Senators Fleming, Gould, Keefe, Lysen, Scott, Talley—6.

#### MOTION

On motion of Senator Jones, Senator Benitz was excused.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Goltz, the appointment of Harold A. Lamon, Jr. as a member of the Board of Trustees, Community College District No. 9 was confirmed.

#### APPOINTMENT OF HAROLD A. LAMON, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Benitz, Fleming, Gould, Keefe, Lysen, Talley—6.

#### MOTION

On motion of Senator Goltz, the appointment of Robert E. Stead as a member of the Board of Trustees, Community College District No. 9 was confirmed.

#### APPOINTMENT OF ROBERT E. STEAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Benitz, Fleming, Gould, Keefe, Lysen, Talley—6.

#### MOTION

On motion of Senator Goltz, the appointment of Jack A. Hawkins as a member of the Board of Trustees, Community College District No. 10 was confirmed.

#### APPOINTMENT OF JACK A. HAWKINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee,

Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Benitz, Fleming, Gould, Keefe, Lysen, Talley—6.

### MOTION

On motion of Senator Goltz, the appointment of Edwin J. McWilliams as a member of the Board of Regents, Washington State University was confirmed.

### APPOINTMENT OF EDWIN J. McWILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Benitz, Fleming, Gould, Keefe, Lysen, Talley—6.

### SECOND READING

SENATE BILL NO. 2158, by Senators Wilson, North, Bluechel, Bottiger, Williams, Gaspard, Gould, Goltz and Hansen:

Providing for the classification and conveyance of conservation rights as real property.

### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2158 was substituted for Senate Bill No. 2158 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2158 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gould, Keefe, Lysen, Talley—5.

SUBSTITUTE SENATE BILL NO. 2158, having received the constitutional majority, 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. 2121, by Senators Conner, Day, von Reichbauer and Ridder:

Authorizing embalmers to remove eyes from deceased donor.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2121 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 Day, are embalmers qualified to remove the eyes and keep them in the necessary condition that it may be used?"

Senator Day: "Yes, I think they are, and I think what will happen here is that they will do it in cooperation with whoever their donee is going to be and with probably the eye bank and, of course what they will do is grossly remove the eye. They won't attempt to remove the lens, which is the part which is utilized."

Senator Rasmussen: "I understand that, but even such a simple thing as the removing and care of fish eggs requires some expertise so that they do not get destroyed and I am wondering if we are not opening it up to people that are not qualified. The eyes are needed badly, the cornea . . ."

Senator Day: "We are not attempting to open this up to anything. I think I will let Senator Sellar answer this."

Senator Sellar: "Thank you, Mr. President. Senator Rasmussen, the bill does address that and it says that the embalmer must have some additional or special training in order to do this. And, yes, they will, they do have to be removed using skilled technique in a skilled field, but it is being used in Oregon at the present time and several of the embalmers in that area have taken this type of training and in talking with the ophthalmology group in Oregon they say they have received donor eyes from that source and they are very enthused about it. So, in answer to your question, they do need some special training and I am sure none of them will embark upon this, but it is not that difficult to do as long as you do take a little special training in that area."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2121 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Gould, Keefe, Lysen, Talley—5.

SENATE BILL NO. 2121, having received the constitutional majority, 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. 2042, by Senators McDermott and Conner:

Authorizing pilot programs allowing undergraduate higher education students whose parents are assigned to consular missions to pay like fees as resident students.

## MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2042 was substituted for Senate Bill No. 2042 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 2042 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2042 and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Clarke, Moore, Pullen, Scott, von Reichbauer, Wanamaker—6.

Excused: Senators Benitz, Gould, Keefe, Lysen, Talley—5.

SUBSTITUTE SENATE BILL NO. 2042, having received the constitutional majority, was declared passed. 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, Senate Bill No. 2095 will be considered following Senate Bill No. 2252 on today's second reading calendar.

## SECOND READING

SENATE BILL NO. 2138, by Senators Day, Talmadge, Van Hollebeke and Hayner:

Making the sale of a counterfeit controlled substance unlawful.

## REPORT OF STANDING COMMITTEE

January 17, 1979.

SENATE BILL NO. 2138, making the sale of a counterfeit controlled substance unlawful (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 20, after "unlawful" insert ", except as authorized in this chapter and chapter 69.41 RCW,"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2138 was advanced to third reading, the second 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. 2138 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Lysen—4.

ENGROSSED SENATE BILL NO. 2138, having received the constitutional majority, 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. 2297, by Senators Scott and Goltz (by Legislative Budget Committee request):

Repealing higher education assistance authority-act.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 2297 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2297 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Lysen—4.

SENATE BILL NO. 2297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2242, by Senators Rasmussen, Day, McDermott, Woody, Conner, Sellar, Benitz and Guess (by Executive request):

Authorizing a designee or other state official to serve in the governor's stead on certain boards.

## REPORT OF STANDING COMMITTEE

January 25, 1979.

SENATE BILL NO. 2242, authorizing a designee or other state official to serve in the governor's stead on certain boards (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 15, strike all of section 4 and renumber the remaining sections consecutively.

On page 1, beginning on line 5 of the title, after "27.36.040;" strike all of the material down to and including "RCW 28A.92.020;" on line 6.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2242 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Benitz, Gould, Keefe, Lysen—4.

ENGROSSED SENATE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:10 p.m., on motion of Senator Walgren, the Senate recessed until 1:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2095.

#### SECOND READING

SENATE BILL NO. 2095, by Senators Marsh, Henry and Talley:  
Adding a judge to the superior court of Clark county.

#### MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 2095 was substituted for Senate Bill No. 2095 and the substitute bill was placed on second reading and read the second time in full.

#### POINT OF INQUIRY

Senator Donohue: "Senator Marsh, we are continually receiving amendments here on our desks and I haven't had time to add up the number of judges that these amendments reflect. Can you give me some kind of an idea as to how many judges we are going to be working on here this afternoon, or before lunch, whenever — what is the number?"

Senator Marsh: "Well, Senator, there is an additional judge for Clark county; there is an additional judge for the counties of Chelan and Douglas; there is an

additional one for Kitsap county; there is an additional one for Snohomish county; two additional ones for Pierce county; additional one for Spokane; and an additional one for Yakima."

Senator Donohue: "The total of that amounts to about 13 or 14 new judges, I suppose, totally. Nine, including the ones that are in the bill? That doesn't add up right. Do we have a fiscal note if we adopt all these, put all these new judges to work, what is it going to cost?"

Senator Marsh: "The Constitution provides that the cost of superior court judges is borne one-half by the state and one-half by the county."

Senator Donohue: "Senator, we do not have a fiscal note for these amendments."

### PARLIAMENTARY INQUIRY

Senator Clarke: "Parliamentary inquiry. Senator Matson has an amendment on the desk which would apparently amend an earlier section in an earlier page RCW 20.50.63 and the amendment now purports to amend 20.80.65. I just want to be certain that the earlier consideration of this amendment will not prevent Senator Matson's amendment being considered on an earlier section."

### REPLY BY THE PRESIDENT

President Cherberg: "The entire bill is opened up, Senator, when the bottom line is read."

### MOTION

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

On page 2, after line 1, insert:

"Sec. 3. Section 5, chapter 125, Laws of 1951 as last amended by section 1, chapter 49, Laws of 1975 ex. sess. and RCW 2.08.063 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima (~~five~~) six judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, three judges of the superior court."

Renumber subsequent sections consecutively.

On motion of Senator Day, the following amendment by Senators Day, Marsh, Guess, Lewis and Keefe was adopted:

On page 1, line 15, strike "nine" and insert "~~nine~~ ten".

On motion of Senator Hansen, the following amendment by Senators Hansen and Sellar was moved for adoption:

On page 2, after line 12, insert:

"Sec. 4. Section 7, chapter 125, Laws of 1951 as last amended by section 4, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.065 are each amended to read as follows:

There shall be in the (~~counties of Douglas and~~) county of Grant (~~jointly~~), two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, four judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

NEW SECTION. Sec. 5. The superior court judge serving in position two, as designated by the county auditors of Grant and Douglas counties for the 1976 general election, in the counties of Grant and Douglas prior to the effective date of this 1979 act, shall thereafter serve jointly in the counties of Douglas and Chelan, along with the judge previously serving only in Chelan county. The additional superior court judge position created by this 1979 act shall be for Grant county alone, which shall retain the judge in position one previously serving jointly in the counties of Grant and Douglas.

The governor shall appoint a person to fill the new position for a term beginning on the second Monday in January, 1980, until a successor is elected and qualified. At the general election to be held on the second Tuesday of November, 1980, a judge for the new position shall be elected to a four-year term beginning on the second Monday in January, 1981."

Renumber the remaining section accordingly.

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

Amend the amendment to page 2, after line 12 as follows:

On line 9 of the amendment strike "four" and insert "~~((four))~~ five".

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

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

On motion of Senator Hansen, the following amendment by Senators Hansen and Sellar was adopted:

On page 1, line 23, strike "county of Chelan one judge" and insert "~~((county))~~ counties of Chelan ~~((one))~~ and Douglas two judges".

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

On page 2, line 1, strike "1980" and insert "1981".

On motion of Senator Matson, the following amendment to the title was adopted:

On page 1, line 6 of the title, after "RCW 2.08.062;" insert "; amending section 5, chapter 125, Laws of 1951 as last amended by section 1, chapter 49, Laws of 1975 1st ex. sess. and RCW 2.08.063;".

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

On page 1, line 8 of the title, after "2.08.064;" insert "amending section 7, chapter 125, Laws of 1951 as last amended by section 4, chapter 311, Laws of 1977 ex. sess. and RCW 2.08.065;".

Senator Marsh moved the rules be suspended, Engrossed Substitute Senate Bill No. 2095 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Goltz: "Senator Marsh, the other day we had a bill before us to increase the authority by the district court and there was a statement made, I believe, on the floor at that time, that this would in some way reduce the load in superior court. I wonder if that reduced load was taken into account when these judgeships were recommended?"

Senator Marsh: "Yes, it was. That particular authorization will not relieve the increased load caused by the juvenile code passed two years ago. It will not relieve the load of cases above the three thousand dollars jurisdictional amount in that particular bill. Actually, but for that bill the areas such as Pierce county are probably asking for even more than are in this particular bill. Senator Bottiger has mentioned

they can justify actually four rather than two, so there has been an effort to keep down the number of new judge requests. I think they are all justified — the ones that are in this particular bill. I certainly hope we will pass this bill."

The motion by Senator Marsh carried.

The President declared the question before the Senate to be the roll call on Engrossed Substitute Senate Bill No. 2095.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2095 and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Guess, Hansen, Hayner, Henry, Lewis, Marsh, Matson, Morrison, Odegaard, Peterson, Quigg, Ridder, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wojahn, Woody—29.

Voting nay: Senators Donohue, Goltz, Jones, Lee, McDermott, Moore, Newschwander, North, Pullen, Rasmussen, Scott, Shinpoch, von Reichbauer, Wanamaker, Williams, Wilson—16.

Excused: Senators Benitz, Gould, Keefe, Lysen—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2095, having received the constitutional majority, 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. 2251, by Senators Day, Fleming, Conner, Gould, Peterson, Lee, Jones, Hayner and Talmadge (by Executive request):

Authorizing a bond issue for social and health services facilities.

#### MOTION

On motion of Senator Day, Senate Bill No. 2251 was rereferred from the second reading calendar of today to the Committee on Ways and Means.

#### MOTION

At 1:30 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 13, 1979.

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

### THIRTY-SEVENTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 13, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Chris Fitz and Brenda Lewis, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, WE PAUSE AT THE BEGINNING OF TODAY'S SESSION TO ASK FOR YOUR HELP. THE HISTORY OF MANKIND ALONG WITH PERSONAL EXPERIENCE HAS GIVEN US SO MANY EVIDENCES OF YOUR GUIDANCE TO NATIONS AND INDIVIDUALS. AS A RESULT WE SHOULD NOT DOUBT YOUR POWER OF YOUR WILLINGNESS TO DIRECT US. WE WOULD ASK FOR FAITH TO BELIEVE THAT YOU HAVE WAYS OF LETTING US KNOW THE DIRECTION WHICH SHOULD BE TAKEN, BOTH IN THE LIFE OF GOVERNMENTS AND INDIVIDUALS. MAY WE BE WILLING TO BE LED. SAVE US FROM SELFISH INTERESTS. LET YOUR WILL BE DONE THROUGH US FOR THE GOOD OF THIS STATE AND ALL WHO LIVE HERE. THIS WE ASK IN JESUS' NAME. AMEN."

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 7, 1979.

SENATE BILL NO. 2043, lifting the threshold for awarding attorneys fees in actions for damages (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2043 be substituted therefor, and that Substitute Senate Bill No. 2043 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Woody.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2144, modifying the reward statutes (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2144 be substituted therefor, and that Substitute Senate Bill No. 2144 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Woody.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2161, revising the limitations and procedures for cities and towns to administer small public works projects (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2161 be substituted therefor, and that Substitute Senate Bill No. 2161 do pass.

Signed by: Senators Wilson, Chairman; Fleming, Henry, Moore, North, Sellar.  
Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2177, permitting counties to set their own monetary limit for day labor on county roads (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2177 be substituted therefor, and that Substitute Senate Bill No. 2177 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Henry, Lee, Moore, Sellar.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2255, revising the laws relating to the control of pesticides (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2255 be substituted therefor, and that Substitute Senate Bill No. 2255 do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2265, revising laws relating to application of pesticides (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2265 be substituted therefor, and that Substitute Senate Bill No. 2265 do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2295, disestablishing certain obsolete state funds and accounts (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2296, revising laws relating to veterans (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2504, providing for water during drought conditions (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2504 be substituted therefor, and that Substitute Senate Bill No. 2504 do pass.

Signed by: Senators Hansen, Chairman; Day, Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

February 12, 1979.

Mr. President:

The House has passed:

HOUSE BILL NO. 31,

HOUSE BILL NO. 48,

SUBSTITUTE HOUSE BILL NO. 88,

SUBSTITUTE HOUSE BILL NO. 139,

SECOND SUBSTITUTE HOUSE BILL NO. 204,

ENGROSSED HOUSE BILL NO. 207,

HOUSE BILL NO. 209,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 210,

HOUSE BILL NO. 314,

HOUSE BILL NO. 330,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 352,

HOUSE BILL NO. 482,

SUBSTITUTE HOUSE BILL NO. 505,

ENGROSSED HOUSE BILL NO. 555, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 31, by Representatives Ehlers, Taller, Struthers, Walk, Sanders and Addison:

Requiring the legislature to pay the department of general administration for use of buildings and services.

Referred to Committee on State Government.

HOUSE BILL NO. 48, by Representatives Amen, Kreidler, Flanagan and Smith (C.) (by request of the Committee on Agriculture of the 45th Legislature):

Extending certain exemptions for contracts by local governmental entities to include small irrigation districts.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 88, by Committee on Social and Health Services (Originally sponsored by Representatives Charnley, Pruitt, Scott and Brekke:

Screening for scoliosis.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 139, by Committee on Local Government (Originally sponsored by Representatives Warnke, Zimmerman and Brown):

Providing deadlines for local governments to approve special purpose districts' comprehensive plan.

Referred to Committee on Local Government.

SECOND SUBSTITUTE HOUSE BILL NO. 204, by Committee on State Government (Originally sponsored by Representatives Becker, Struthers, D. Nelson, Mitchell, Houchen, Rohrbach and Addison) (By Governor Ray request):

Establishing a criminal justice division and council in the governor's office.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 207, by Representatives Newhouse, Winsley and Maxie (By Judicial Council request):

Providing procedure for determining reasonable attorneys' fees in eminent domain proceedings.

Referred to Judiciary Committee.

HOUSE BILL NO. 209, by Representatives Winsley, Smith (Rick) and Newhouse (by Judicial Council request):

Authorizing discretionary review of administrative agency decisions by the court of appeals.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 210, by Committee on Education (Originally sponsored by Representatives Chandler, Heck, Taller, Valle, Barr, Tupper, Houchen, Nisbet, Taylor, Sprague, McGinnis, Dawson, Teutsch, Bauer, Ehlers, Isaacson and Wilson (by Superintendent of Public Instruction request):

Making miscellaneous changes in basic education act.

Referred to Committee on Education.

HOUSE BILL NO. 314, by Representatives Winsley, Hurley, Eng and Sanders (by Department of Commerce and Economic Development request):

Increasing amount of certain investments that banks may hold.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 330, by Representatives Schmitten, Vrooman, Sanders and Addison:

Making unlawful the obtaining of game licenses by fraud.

Referred to Committee on Natural Resources.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 352, by Committee on Judiciary (Originally sponsored by Representatives Smith (Rick), Newhouse, Gruger, Hurley, Brekke, Wilson, Tilley and Owen):

Establishing procedures for termination of parent-child relationships.

Referred to Judiciary Committee.

HOUSE BILL NO. 482, by Representatives Winsley, Eng and Lux:

Making restriction on certificates of deposit issued by savings banks.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 505, by Committee on Revenue (Originally sponsored by Representatives Addison, Polk, Rohrbach, Sprague, Dunlap, Taylor, Sanders and Nisbet):

Providing emergency continuation of school levy tax relief to retired and disabled property owners.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 555, by Representatives Gruger, Zimmerman, Salatino, Sommers, Burns, Brown, Lux, Bauer, Pruitt, Erickson, Bender and Winsley:

Increasing the property tax exemptions for the elderly.

Referred to Committee on Ways and Means.

#### MOTION

At 10:20 a.m., on motion of Senator Marsh, the Senate recessed until 11:55 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2290.

### SECOND READING

SENATE BILL NO. 2290, by Senators Conner, Hansen and Guess (by Department of Transportation request):

Revising the powers of the department of transportation relative to highways.

The bill was read the second time by sections.

On motion of Senator Conner, the rules were suspended, Senate Bill No. 2290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2290, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2291, by Senators Henry, Conner and Hansen (by Department of Transportation request):

Modifying permissible expenditures from the state highway fund and ratifying transfers to the state highway fund.

### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2291 was substituted for Senate Bill No. 2291 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2291 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2291, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2291, having received the constitutional majority, 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. 2068, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

Transferring jurisdiction of habitual traffic offenders to the department of licensing.

## REPORT OF STANDING COMMITTEE

February 2, 1979.

SENATE BILL NO. 2068, transferring jurisdiction of habitual traffic offenders to the department of licensing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 33, after "department of" strike "motor vehicles" and insert "~~(motor vehicles)~~ licensing"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Jones.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2068 was advanced to third reading, the second 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. 2068, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2068, having received the constitutional majority, 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. 2101, by Senators Day and Moore:

Increasing the maximum size of veterans' estates for which the director of veterans affairs may act as executor.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2101 was advanced to third reading, the second 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. 2101, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2102, by Senators Day and Moore:

Requiring the director of veterans affairs to set the value of support items furnished residents at the Colony of the State Soldiers' Home.

## REPORT OF STANDING COMMITTEE

January 30, 1979.

SENATE BILL NO. 2102, requiring the director of veterans affairs to set the value of support items furnished residents at the Colony of the State Soldiers' Home (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 22, after "affairs" insert "and be included in the biennial budget"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2102 was advanced to third reading, the second 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. 2102, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2102, having received the constitutional majority, 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. 2349, by Senators Bottiger, Lewis and Woody (by Washington Utilities and Transportation Commission request):

Modifying penalties for failure to pay certain regulatory fees.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2349 was advanced to third reading, the second 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. 2349, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2349, having received the constitutional majority, 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. 2461, by Senators Rasmussen, McDermott and Wanamaker (by Utilities and Transportation Commission request):

Redesignating the utilities and transportation commission as the public service commission.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2461 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2461, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2461, having received the constitutional majority, 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. 2272, by Senators Day, Quigg, Wanamaker and Hayner:

Requiring continuing education for nurses.

### REPORT OF STANDING COMMITTEE

January 29, 1979.

SENATE BILL NO. 2272, requiring continuing education for nurses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, after "license" insert "PROVIDED, That the requirement of continuing nursing education may for good cause shown be waived by the board".

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

Debate ensued.

### MOTION

On motion of Senator Rasmussen, Senate Bill No. 2272, as amended, was ordered held for further consideration Wednesday, February 14, 1979.

### MOTION

On motion of Senator Walgren, Senate Bills 2067 and 2354 were ordered held on the second reading calendar for Wednesday, February 14, 1979.

### SECOND READING

SENATE BILL NO. 2418, by Senator Henry:

Insuring accuracy and proper usage of drivers' records.

### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2418 was substituted for Senate Bill No. 2418 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2418 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Jones, Senator Newschwander was excused.

### POINT OF INQUIRY

Senator Odegaard: "Mr. President, I wonder, Senator Henry, we passed legislation such as this if it could mean that there would be more speeding on our highways and more problems for the state patrol in that now when we are going down the highway there are two things to think about. One is that we had better abide by the speed limit or we will very possibly have a speeding ticket against our record, and also that that would go against our insurance record, which could mean a higher premium to pay, and if we do away with this one part of it and this could not be against our insurance record, it could be that some people might just tend to speed a little more and it seems, like we have enough speeding now on our highways."

Senator Henry: "In response to Senator Odegaard's question, I think the state patrol has enough problems with the 55 mile speed limit as it is, but most people vote with their right foot so 66% of the people are not observing. I am not concerned with trying to protect drunken drivers, reckless drivers or people who are habitual offenders, but I am concerned with those people who pick up a speeding ticket for a

few miles over the limit and then their insurance company uses it as an excuse to cancel out their insurance or fail to renew it and then they go and build themselves another twenty story building someplace. I don't believe it will have any effect whatsoever on the driving habits."

Debate ensued.

### POINT OF INQUIRY

Senator Talley: "Senator Henry, will you yield to a question? I want it on the record, Senator Henry, if possible. Is it true that the state is receiving thousands of dollars for revealing to the insurance companies records of drivers?"

Senator Henry: "I don't know how much they are receiving, I am sure that they get paid for these transcripts and certainly this would have no effect on transcripts of those who have serious traffic offenses or make a habit of exceeding the twenty percent over."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2418, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lewis, Marsh, Matson, Moore, Morrison, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Bluechel, Clarke, Gould, Lee, Lysen, McDermott, North, Odegaard, Pullen, Ridder, Scott, Talmadge, Williams, Wilson, Wojahn—15.

Excused: Senators Keefe, Newschwander.—2.

SUBSTITUTE SENATE BILL NO. 2418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, February 14, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRTY-EIGHTH DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 14, 1979.

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 Keefe, Newschwander and Scott. On motion of Senator Jones, Senator Newschwander was excused. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Jill Duffy and Pete Robertson, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"O, GOD OUR HEAVENLY FATHER, AS WE BEGIN TODAY'S SESSION, MAY WE REMIND OURSELVES OF THE BASIS UPON WHICH THIS GREAT NATION WAS FOUNDED. MAY THE PHRASE, 'IN GOD WE TRUST' BE MORE THAN MEANINGLESS WORDS. LET THIS PHRASE BE AN EXPRESSION OF OUR FAITH. IF SO, WE WILL WALK WITH HUMILITY AND A KEEN SENSE OF DEPENDENCE UPON YOU.

"LET US BE AWARE THAT YOU ARE CONCERNED ABOUT PEOPLE AND NATIONS. LET US REMEMBER THAT CHRISTIANITY DOES NOT BRING BONDAGE BUT RATHER FREEDOM. THEREFORE, WE PRAY THAT CHRISTIAN PRINCIPLE WILL PREVAIL. MAY WE NEVER BE SWAYED BY THE FORCES THAT WOULD TURN US AWAY FROM THAT WHICH HAS MADE US STRONG.

"GUIDE THIS BODY OF LEGISLATORS IN THE AFFAIRS OF GOVERNMENT AND MANKIND. IN JESUS' NAME WE PRAY. AMEN."

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 12, 1979.

SENATE BILL NO. 2089, providing for and making appropriation to a Washington Youth Sports Center at the University of Washington (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch.  
Rereferred to Committee on Ways and Means.

February 13, 1979.

SENATE BILL NO. 2127, providing annual life safety and health safety inspections throughout schools of state (reported by Committee on Education):

Recommendation: Do pass as amended and be rereferred to Committee on Ways and Means.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Rereferred to Committee on Ways and Means.

February 7, 1979.

SENATE BILL NO. 2137, diverting offenders from the criminal process (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2137 be substituted therefor, and that Substitute Senate Bill No. 2137 do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

MINORITY recommendation: Do not pass and not be substituted.

Signed by: Senators Gould, Pullen.

Rereferred to Committee on Ways and Means.

February 13, 1979.

SENATE BILL NO. 2192, establishing a program for compensation of certain state employees for unused sick leave above a certain level (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2192 be substituted therefor, and that Substitute Senate Bill No. 2192 do pass.

Signed by: Senators Rasmussen, Chairman; Shipoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1979.

SENATE BILL NO. 2194, increasing dollar amount of capital construction projects of certain institutions of higher education before same have to be put out for public bid (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2194 be substituted therefor, and that Substitute Senate Bill No. 2194 do pass.

Signed by: Senators Goltz, Chairman; Odegaard, Scott, Shipoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2238, requiring the payment of interest on state obligations (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2238 be substituted therefor, and that Substitute Senate Bill No. 2238 be re-referred to Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Shipoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Rereferred to Committee on Ways and Means.

February 12, 1979.

SENATE BILL NO. 2274, permitting county treasurers to invest in bankers' acceptances (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2274 be substituted therefor, and that Substitute Senate Bill No. 2274 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2278, requiring whistle posts before certain railroad crossings (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2306, establishing enforcement mechanisms under the franchise investment protection act (reported by Committee on Financial Institutions and Insurance):

Recommendation: That Substitute Senate Bill No. 2306 be substituted therefor, and that Substitute Senate Bill No. 2306 do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

January 30, 1979.

SENATE BILL NO. 2308, revising the laws relating to emergency medical services (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2308 be substituted therefor, and that Substitute Senate Bill No. 2308 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 7, 1979.

SENATE BILL NO. 2362, requiring landlords to give increased notice of major changes in the status or policy of rented residential property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Woody.

Passed to Committee on Rules for second reading.

February 12, 1979.

SENATE BILL NO. 2376, permitting transfers from a local improvement guarantee fund to a general fund of a city or town (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2376 be substituted therefor, and that Substitute Senate Bill No. 2376 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2406, establishing a pilot project for displaced home-makers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2422, revising the laws relating to certain health care professionals (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2422 be substituted therefor, and that Substitute Senate Bill No. 2422 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2433, revising the definition of unemployable persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1979.

SENATE BILL NO. 2434, regulating certain educational institutions (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2434 be substituted therefor, and that Substitute Senate Bill No. 2434 do pass and be re-referred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 12, 1979.

SENATE BILL NO. 2465, prorating on a twelve-month basis the retirement credit of classified employees of institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2465 be substituted therefor, and that Substitute Senate Bill No. 2465 do pass and be re-referred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 13, 1979.

SENATE BILL NO. 2479, increasing amount of certain investments that banks may hold (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2480, forbidding operation of a motor vehicle with a load not properly secured (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2480 be substituted therefor, and that Substitute Senate Bill No. 2480 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Lee, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2518, implementing law relating to use of school plants for community activities and making an appropriation therefor (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2518 be substituted therefor, and that Substitute Senate Bill No. 2518 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2562, permitting filing of registration transfers at the polls (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2567; modifying laws governing liability for accidents at railroad crossings (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2602, authorizing licensed beer distributors to act as agents of manufacturers of distilled spirits (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2731, regulating health care service contractors (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 3066, revising laws relating to the state auditor (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3066 be substituted therefor, and that Substitute Senate Bill No. 3066 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE JOINT RESOLUTION NO. 109, ratifying a proposed amendment to the U.S. Constitution providing for representation of the District of Columbia in the Congress (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Marsh, Peterson.

MINORITY recommendation: Do not pass.

Signed by: Senators Hayner, Lewis, Pullen.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 2067, by Senators Henry, Wanamaker and Conner (by Department of Licensing request):

Making various changes in driver licensing laws.

The bill was read the second time by sections.

## POINT OF INQUIRY

Senator Henry: "Senator Talmadge, this is the bill you had a question about yesterday on the last paragraph. Are you satisfied now, or will this amendment do the job?"

Senator Talmadge: "I think this amendment will do the job. It relates simply to that implied consent law."

Senator Rasmussen moved adoption of the following amendment:

On page 13, after line 27, insert the following:

"Sec. 15. Section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 3, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.161 are each amended to read as follows:

The department shall upon receipt of a fee of ((six)) nine dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Sec. 16. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 4, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.181 are each amended to read as follows:

Every driver's license shall expire on the ((second)) fourth anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of ((six)) nine dollars."

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted on a rising vote.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Shinpoch was adopted:

On page 13, beginning on line 28, strike all of section 15.

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

On page 1, beginning on line 29 of the title after "46.29.390" strike all the matter down through 46.20.092" on page 2, line 1.

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 2067 was advanced to third reading, the second 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. 2067, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge,

Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—43

Absent or not voting: Senators Fleming, Matson, Scott, Wanamaker—4.

Excused: Senators Keefe, Newschwander—2.

ENGROSSED SENATE BILL NO. 2067, having received the constitutional majority, 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. 2354, by Senators Fleming, Guess and Ridder (by Department of Transportation request):

Modifying the requirements for publication of the call for bids for highway projects.

### MOTION

On motion of Senator Fleming, Senate Bill No. 2354 was ordered held on the second reading calendar for Thursday, February 15, 1979.

### PRESIDENT'S PRIVILEGE

The President announced the presence on the Senate rostrum of former Senator Reuben Knoblauch. With permission of the Senate, business was suspended to permit Senator Knoblauch to address the Senate. The Senator presented the members with rhubarb and candy.

### MOTION

At 10:38 a.m., on motion of Senator Walgren, the Senate recessed until 11:40 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:40 a.m.

### MOTIONS

On motion of Senator Wilson, Senator Peterson was excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2236.

### SECOND READING

SENATE BILL NO. 2236, by Senators Ridder, Lee, Goltz, Walgren, Moore, McDermott, Vognild and Talmadge:

Providing collective bargaining rights for certain personnel of institutions of higher education.

The bill was read the second time by sections.

Senator Morrison moved adoption of the following amendment:

On page 9, add a new section following section 8 as follows:

"NEW SECTION. Sec. 9. A student team to consist of the elected student association officers of any institution of higher education, or their designees, not to exceed three in number, shall be notified of and allowed to be present at all collective bargaining sessions and have access to all written documents pertaining to the

collective bargaining negotiations exchanged by the employer and exclusive bargaining representative, including copies of any prepared written transcripts of the bargaining sessions. Rules regarding confidentiality shall apply to such students in the same manner as to the employer and the exclusive bargaining representative. If rules regarding confidentiality are violated by any student the commission shall have the authority to exclude any or all students from any or all further bargaining sessions affecting the negotiations in progress when the violation occurred. In no event shall student representatives be allowed to be present during or participate in third party dispute resolution proceedings. Participation, other than observation, by students during bargaining sessions shall be determined by agreement between the employer and exclusive bargaining representative."

Renumber remaining sections consecutively.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Morrison.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, North, Quigg, Scott, Sellar, Shinpoch, Wanamaker—18.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Pullen, Rasmussen, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—28.

Excused: Senators Keefe, Newschwander, Peterson—3.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Scott:

On page 3, line 22, after "other" insert "economic"

Debate ensued.

### POINT OF INQUIRY

Senator McDermott: "Senator Pullen, is it your intention by this amendment to prohibit negotiations over a grievance procedure? Would that be something that would be outside the negotiations if this amendment were adopted?"

Senator Pullen: "No."

Senator McDermott: "That is not an economic condition? You call that an economic condition, a grievance procedure?"

Senator Pullen: "Virtually all the grievance procedures that I have ever encountered are either directly economic related or at least indirectly so."

Senator McDermott: "Then you are saying that anything that is indirectly related to money would still be covered?"

Senator Pullen: "Yes, it is my intent that this should be rather broadly construed."

Senator McDermott: "Ordinarily."

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

The President declared the question before the Senate to be the roll call on the amendment by Senators Pullen and Scott.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, North, Pullen, Quigg, Scott, Sellar, Wanamaker—18.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—28.

Excused: Senators Keefe, Newschwander, Peterson—3.

Senator Morrison moved adoption of the following amendment:

On page 14, line 3, strike "borne by the state" and insert "shared equally by the parties"

Debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Mr. President, members of the Senate, it is my understanding that by fact finding by other public employees that there are not shared costs. I may be incorrect on that, maybe Senator Morrison can correct me if I am wrong, but if that is correct that they do not share costs, I was wondering why this particular group then should be picked out to share costs?"

Debate ensued.

## REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, in answer to Senator Odegaard, and also in part of the exchange between us here, part of the public employees' collective bargaining process does include fact finding paid for by the state and I, personally, feel that that is a mistake and that it is a mistake we do not want to perpetuate as we extend to this new area of higher education. I suppose that you could say that the board of trustees of the college has unlimited money with which to pay for fact finding, but I do not believe that to be true. They were appointed and I find most of them very zealous and enthusiastic and eager to fulfill their obligations from the Governor and their approval by this body, the Senate, because for every dollar that is spent on fact finding or any of the provisions of collective bargaining, it cuts into other programs and there need to be reductions because these are budgeted funds we are talking about and I think we have an opportunity here through this one very short amendment to help force the parties to reach conclusions very quickly and settle the disputes that I think the public is just fed up with when we look at the public arena and the fact that we are now bickering between employers and employees at great expense. There is no fooling them; they know who is paying the tab."

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Morrison.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 25; absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hansen, Hayner, Jones, Lewis, Matson, Morrison, North, Pullen, Quigg, Scott, Sellar, Shinpoch, Wanamaker, Woody—20.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Lee, Lysen, Marsh, McDermott, Moore, Odegaard, Rasmussen, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn—25.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Newschwander, Peterson—3.

Senator North moved adoption of the following amendment:

On page 14, after line 36, insert a new section as follows:

"NEW SECTION. Sec. 21. This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Renumber subsequent sections consecutively.

Debate ensued.

### POINT OF INQUIRY

Senator Bottiger: "Senator Clarke, you and I disagree on several issues down here and I am just wondering if a product liability bill should come out, would you join me in putting a referendum on it?"

Senator Clarke: "My response is that almost every time you arise I think that you seek to inject a political inference into motivation on any particular legislation and how one piece of legislation related to another. I would appreciate your further explanation. Incidentally, in further responding to your question, I would have no hesitation whatsoever in feeling that the public would support reasonable and proper improvement of the law with respect to product liability."

Senator Bottiger: "The comments that were made by you, as I understood them, was that the public has a deep interest in this bill and there are sixteen thousand people out there who are employed and covered by it. I was thinking of something like five hundred thousand people that would be covered by the product liability bill, especially as to employees, and there is a direct relationship to the public's interest. Now, if we delegate to the public at the slightest political whim, and I suggest that is what this exercise is here today, then we ought to do it on, say, all the bills."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator North.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 16; nays, 29, absent or not voting, 1; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hansen, Hayner, Jones, Lewis, Matson, North, Scott, Sellar, Talley, Wanamaker—16.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody.—29.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Newschwander, Peterson—3.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2236 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2236, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Hansen, Henry, Lee, Lysen, Marsh, McDermott, Moore, Odegaard, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, North, Pullen, Scott, Sellar, Wanamaker, Wilson—17.

Excused: Senators Keefe, Newschwander, Peterson—3.

SENATE BILL NO. 2236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Clarke moved that the Committee on Ways and Means be relieved from further consideration of Substitute House Bill No. 505 and the bill be placed on today's second reading calendar.

#### MOTION

At 12:45 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, February 15, 1979.

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

**THIRTY-NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, February 15, 1979.

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, Keefe and Wojahn. On motion of Senator Wilson, Senators Donohue, Keefe and Wojahn were excused.

The Color Guard, consisting of Pages Kelly Hollinger and Catherine Sherry, presented the Colors. Reverend George C. Smith, pastor of the Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD, OUR HEAVENLY FATHER, WE BOW IN HUMBLE DEPENDENCE UPON YOU AT THE BEGINNING OF TODAY'S SESSION. YOUR HOLY WORD TEACHES US TO PRAY FOR THOSE IN AUTHORITY OVER US. WHETHER AT THE NATIONAL, STATE, OR MUNICIPAL LEVEL, OUR LEADERS NEED YOUR GUIDANCE AND HELP.

"THOSE OF US WHO VIEW THIS ASSEMBLY WOULD JOIN TOGETHER IN PRAYER FOR THE SENATORS OF THIS STATE. WHILE THEY HAVE TASTED THEIR MOMENTS OF GLORY AND HONOR, THEY HAVE ALSO FACED THE RESPONSIBILITIES AND PRESSURES OF PUBLIC AND POLITICAL LIFE. THEY ARE VERY HUMAN, CONFRONTED WITH ALL THE NEEDS COMMON TO MANKIND. THEY NEED YOUR HELP IN CARRYING OUT THEIR PUBLIC DUTIES AND THEY ALSO NEED YOUR HELP AT HOME. MAY THEY BE ABLE TO SAY WITH THE PSALMIST, 'MY HELP COMETH FROM THE LORD, WHICH MADE HEAVEN AND EARTH.'

"WE ASK FOR YOUR GUIDANCE IN THE SENATE TODAY. MAY ALL ACTION TAKEN BE FOR THE BETTERMENT OF THE PEOPLE OF THIS STATE. AMEN."

**MOTION**

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

**MESSAGE FROM THE GOVERNOR**

Office of the Governor, February 14, 1979.

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

Ladies and Gentlemen:

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

Nancy Purviss, appointed February 1, 1979, for a term ending January 17, 1983, succeeding Anne McLean as a member of the Washington Horse Racing commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on State Government.

## REPORTS OF STANDING COMMITTEES

February 14, 1979.

SENATE BILL NO. 2040, replacing the special parking decals for disabled persons with license plates (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bluechel, Gallagher, Hansen, Lee, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2086, permitting the use of motorized wheelchairs on sidewalks and in public places (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Hansen, Lee, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2175, adding the chief of the state patrol and a citizen member to the criminal justice commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2212, authorizing National Guard assistance scholarships (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 2212 be substituted therefor, and that Substitute Senate Bill No. 2212 do pass and be re-referred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 15, 1979.

SENATE BILL NO. 2244, authorizing a bond issue for fisheries facilities (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1979.

SENATE BILL NO. 2267, authorizing satellite facilities for credit unions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, Walgren.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2372, providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2372 be substituted therefor, and that Substitute Senate Bill No. 2372 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 9, 1979.

SENATE BILL NO. 2414, establishing certain procedures to inform and assist victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2414 be substituted therefor, and that Substitute Senate Bill No. 2414 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 15, 1979.

SENATE BILL NO. 2423, modifying the application of insurance laws to title insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2466, pertaining to civil actions and proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2468, penalizing attempts to elude pursuing police cars (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2561, exempting from the fire code hand-held candles used in religious ceremonies (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, North, Sellar.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2569, establishing a reciprocal surcharge on overnight camping in state parks by residents of other states (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2576, authorizing dissolution of certain agriculture co-ops upon a 2/3 vote of the members voting on the issue (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2585, continuing for two additional years the reciprocity program with British Columbia on tuition and fees in institutions of higher education including graduate students therein (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch.

Passed to Committee on Rules for second reading.

February 15, 1979.

SENATE BILL NO. 2599, requiring domestic primary processing of western red cedar (reported by Committee on Natural Resources):

MAJORITY recommendation: Rerefer to Senate Ways and Means Committee.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Newschwander, Odegaard, Quigg, Talley, Vognild.

Rereferred to Committee on Ways and Means.

February 14, 1979.

SENATE BILL NO. 2610, authorizing certain granting of degrees at The Evergreen State College (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 2610 be substituted therefor, and that Substitute Senate Bill No. 2610 do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 14, 1979.

SENATE BILL NO. 2685, simplifying financial reporting requirements for public officials (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2685 be substituted therefor, and that Substitute Senate Bill No. 2685 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 15, 1979.

SENATE BILL NO. 2734, modifying provisions for honoring an adverse claim to a deposit on the books of a bank or trust company (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2736, authorizing the interagency committee on outdoor recreation to produce a state recreation guide (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2755, modifying requirements for state park pass for disabled persons (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2756, exempting certain department of transportation records from public disclosure (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Gallagher, Hansen, Lee, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1979.

SENATE BILL NO. 2785, requiring each appointment to the parks and recreation commission to be from a different congressional district (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 13, 1979.

SENATE BILL NO. 2980, relating to energy (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2980 be substituted therefor, and that Substitute Senate Bill No. 2980 do pass.

Signed by: Senators Bottiger, Chairman; Lewis, North, Williams, Wilson, Woody.

MINORITY recommendation: That it not be substituted.

Signed by: Senator Benitz.

Passed to Committee on Rules for second reading.

February 12, 1979.

SENATE JOINT RESOLUTION NO. 120, authorizing government utilities to loan money for energy conservation purposes (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 120 be substituted therefor, and that Substitute Senate Joint Resolution No. 120 do pass.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 15, 1979.

HOUSE BILL NO. 44, increasing the fee that may be retained by persons issuing hunting and fishing licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Odegaard, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

## SECOND READING

SENATE BILL NO. 2272, by Senators Day, Quigg, Wanamaker and Hayner:

Requiring continuing education for nurses.

The Senate resumed consideration of Senate Bill No. 2272, as amended on Tuesday, February 13, 1979. On that day, the bill was held on motion of Senator Rasmussen for further consideration Wednesday, February 14, 1979.

#### MOTION

Senator Rasmussen moved that Senate Bill No. 2272, as amended on February 13, 1979 be held for further consideration on Friday, February 16, 1979.

Debate ensued.

The motion by Senator Rasmussen carried. Senate Bill No. 2272, as amended, was held on the second reading calendar for Friday, February 16, 1979.

#### SECOND READING

SENATE BILL NO. 2062, by Senators Jones, Fleming, North, Morrison and Conner:

Authorizing municipal performing and visual arts centers.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 2062 was advanced to third reading, the second 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. 2062, and the bill passed the Senate by the following vote: Yeas, 46, excused, 3

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—46.

Excused: Senators Donohue, Keefe, Wojahn—3.

SENATE BILL NO. 2062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:30 a.m., on motion of Senator Marsh, the Senate recessed until 11:55 a.m.

#### SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2252.

#### SECOND READING

SENATE BILL NO. 2252, by Senators Henry, Walgren and von Reichbauer (by Executive request):

Adopting a transportation supplemental budget.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2252 was substituted for Senate Bill No. 2252 and the substitute bill was placed on second reading and read the second time in full.

The Secretary read the following amendment by Senator Lysen:

On page 1, line 20, after "improvements" insert ": PROVIDED, That the appropriation contained in this section shall not be expended until the secretary of the department of transportation furnishes each member of the legislature with a report providing the following information: (1) the original schedule of the estimated cash flow requirements approved by the department for the entire contract period in the contract for construction of ferries signed by the department on April 6, 1978; (2) the actual schedule of payments made by the department pursuant to said contract from April 6, 1978, up to and including the effective date of this 1979 amendatory act"

## QUESTION OF CONSIDERATION

Senator Henry raised the question of consideration on the amendment by Senator Lysen.

## POINT OF INFORMATION

Senator Lysen: "This motion, which is an unusual motion, is there no debate allowed on this motion, is that right?"

## REPLY BY THE PRESIDENT

President Cherberg: "No, there is not, Senator, but the President wishes to point out once more that a vote 'aye' will mean the Senate wishes to consider the amendment. A vote 'no' means that the Senate does not wish to consider the amendment."

The Senate moved to consider the amendment by Senator Lysen on a rising vote.

Senator Lysen moved adoption of the amendment.

Debate ensued.

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

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2252 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2252, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody.—46.

Voting nay: Senator Lysen—1.

Excused: Senators Keefe, Wojahn—2.

SUBSTITUTE SENATE BILL NO. 2252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### POINT OF ORDER

Senator Clarke: "I call the President's attention to Rule No. 15 which reads as follows: 'The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or other business shall be received without special leave of the Senate until the former is disposed of'.

"I call the President's attention to the fact that upon adjournment yesterday there was before the body my motion to relieve the Senate ways and means committee from further consideration of Substitute House Bill 505, and I respectfully request that that matter be now placed before the body."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator Clarke's remarks are well taken."

#### MOTION

At 12:15 p.m., Senator Walgren moved the Senate adjourn.

#### PERSONAL PRIVILEGE

Senator Clarke: "I merely want to advise the leadership on the other side that there is reason, and I think there is a duty on the part of the minority to bring to the attention of the body and to the attention of the press, certain matters which we consider are of urgency and I would expect the courtesy of the other side to at least let us briefly present our position. We, of course, are aware of the fact that they have the votes and if they want to vote us down, they have the right to do this. But, where we have matters where there is apparently a subject of emergency which is brought to our attention by one of the other side . . ."

#### PERMISSION TO USE SENATE CHAMBER

Permission was granted to Senator Donohue for use of the Senate Chamber on February 15, 1979 commencing at 7:00 p.m. for the purpose of a Committee on Ways and Means hearing.

The motion by Senator Walgren carried and at 12:18 p.m. the Senate adjourned until 10:00 a.m., Friday, February 16, 1979.

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

**FORTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, February 16, 1979.

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, Hayner, Keefe and von Reichbauer. On motion of Senator Wilson, Senators Bottiger, Keefe and von Reichbauer were excused. On motion of Senator Jones, Senator Hayner was excused.

The Color Guard, consisting of Pages Carol Pontius and Matt Clarkston, presented the Colors. Reverend George C. Smith, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"O GOD OUR HEAVENLY FATHER, WE TAKE THESE MOMENTS TO ASK NOT ONLY FOR YOUR BLESSING, BUT ALSO FOR YOUR WISDOM. YOUR HOLY WORD STATES, 'IF ANY MAN LACKS WISDOM, LET HIM ASK OF GOD WHO GIVETH . . . LIBERALLY'. WE THANK YOU THAT IN THE FACE OF GREAT PROBLEMS THERE IS AN EVEN GREATER GOD, WHO WILL GIVE DIRECTION TO THOSE WHO WOULD SEEK TO BE DIRECTED. MAY WE REMIND OURSELVES THAT THE CREATOR HAS GREATER UNDERSTANDING AND WISDOM THAN HIS CREATION. GRANT A PORTION OF YOUR WISDOM TO THE MEMBERS OF THIS SENATE.

"LET NONE BECOME PUFFED UP WITH SELF IMPORTANCE. MAY THIS LEGISLATIVE BODY REMEMBER ITS ROLE IS TO SERVE THE PEOPLE. SO MANY PEOPLE LIVE UNDER THE PRESSURE OF GREAT PROBLEMS AND BURDENS. THEY FEEL VERY MUCH ALONE AND AS THOUGH NO ONE CARES. MAY THE MEMBERS OF THIS SENATE DO WHAT IS WITHIN THEIR POWER TO BRING RAYS OF LIGHT INTO THE LIVES OF THE PEOPLE WHO LIVE IN THIS GREAT STATE. LET THE GOVERNMENT OF THIS STATE BE AN EXAMPLE TO THE ENTIRE NATION OF GOOD LEADERSHIP. WE PRAY THROUGH THE NAME OF JESUS CHRIST OUR LORD. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 14, 1979

SENATE BILL NO. 2004, modifying the law on the board of prison terms and parole (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2023, creating a personnel appeals board and setting out its powers and duties (reported by Committee on State Government):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2023 be substituted therefor, and that Substitute Senate Bill No. 2023 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2025**, limiting state leases of real property (reported by Committee on State Government):

**Recommendation:** That Substitute Senate Bill No. 2025 be substituted therefor, and that Substitute Senate Bill No. 2025 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2030**, modifying the method of payment for sick leave of public employees (reported by Committee on State Government):

**Recommendation:** That Substitute Senate Bill No. 2030 be substituted therefor, and that Substitute Senate Bill No. 2030 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2084**, exempting nonprofit youth organizations from the timber excise tax (reported by Committee on Ways and Means):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Scott, Sellar.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2149**, providing for bilingual instruction in the common schools (reported by Committee on Education):

**Recommendation:** That Substitute Senate Bill No. 2149 be substituted therefor, and that Substitute Senate Bill No. 2149 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 14, 1979

**SENATE BILL NO. 2171**, modifying commitment procedures for the mentally ill (reported by Judiciary Committee):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2171 be substituted therefor, and that Substitute Senate Bill No. 2171 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2209**, requiring the seller of a vehicle to have a Washington title (reported by Committee on Transportation):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2209 be substituted therefor, and that Substitute Senate Bill No. 2209 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 13, 1979

SENATE BILL NO. 2299, requiring railroads to provide first aid training for certain employees (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2299 be substituted therefor, and that Substitute Senate Bill No. 2299 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Lee, Peterson, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2333, modifying tort and product liability law (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Substitute Senate Bill No. 2333 be substituted therefor, and that Substitute Senate Bill No. 2333 do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2358, standardizing election procedures for judicial office (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2358 be substituted therefor, and that Substitute Senate Bill No. 2358 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Lewis, Marsh, Peterson.

Passed to Committee on Rules for second reading.

February 14, 1979

SENATE BILL NO. 2375, revising laws relating to civil service for sheriffs' offices (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2375 be substituted therefor, and that Substitute Senate Bill No. 2375 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, North, Talley.

Passed to Committee on Rules for second reading.

February 14, 1979

SENATE BILL NO. 2394, providing travel allowances and increasing the compensation for the commissioners of special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2394 be substituted therefor, and that Substitute Senate Bill No. 2394 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Moore, North, Sellar.

Passed to Committee on Rules for second reading.

February 13, 1979

SENATE BILL NO. 2415, revising procedures relating to civil commitment (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2415 be substituted therefor, and that Substitute Senate Bill No. 2415 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 13, 1979

SENATE BILL NO. 2427, appropriating funds for realignment of SR 20 (reported by Committee on Transportation):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2427 be substituted therefor, and that Substitute Senate Bill No. 2427 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2439**, establishing penalties for fisheries violations (reported by Committee on Natural Resources):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2439 be substituted therefor, and that Substitute Senate Bill No. 2439 do pass.

Signed by: Senators Peterson, Chairman; Lee, Newschwander, Odegaard, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2470**, implementing law relating to warning signals and use thereof on school buses (reported by Committee on Transportation):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2470 be substituted therefor, and that Substitute Senate Bill No. 2470 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Guess, Lee, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1979

**SENATE BILL NO. 2565**, providing for polling places accessible to handicapped persons (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1979

**SENATE BILL NO. 2574**, providing agricultural labor parks (reported by Committee on State Government):

**Recommendation:** That Substitute Senate Bill No. 2574 be substituted therefor, and that Substitute Senate Bill No. 2574 be rereferred to Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Rereferred to Committee on Ways and Means.

February 15, 1979

**SENATE BILL NO. 2587**, providing community support programs for the mentally ill (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Rereferred to Committee on Ways and Means.

February 15, 1979

**SENATE BILL NO. 2589**, revising laws relating to substitutions of prescription drugs (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2614, pertaining to certain hospital construction projects and sales and use tax deferrals in relation thereto (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Rereferred to Committee on Ways and Means.

February 15, 1979

SENATE BILL NO. 2659, exempting certain positions in the department of social and health services from the state civil service law (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2659 be substituted therefor, and that Substitute Senate Bill No. 2659 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2670, administering the early and periodic and screening, diagnostic, and treatment program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Rereferred to Committee on Ways and Means.

February 14, 1979

SENATE BILL NO. 2748, increasing the compensation of members of the board of directors for irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2748 be substituted therefor, and that Substitute Senate Bill No. 2748 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2753, revising the laws relating to public assistance (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE BILL NO. 2921, authorizing family farm permits for each member of a marital community (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE JOINT MEMORIAL NO. 110, requesting the federal government to keep the Stampede Pass Weather Observation a manned station (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker.  
Passed to Committee on Rules for second reading.

### SECOND READING

SENATE BILL NO. 2354, by Senators Fleming, Guess and Ridder (by Department of Transportation request):

Modifying the requirements for publication of the call for bids for highway projects.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 2354 was advanced to third reading, the second 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. 2354, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Talmadge—1.

Excused: Senators Bottiger, Hayner, Keefe, von Reichbauer—4.

SENATE BILL NO. 2354, having received the constitutional majority, 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. 2272, by Senators Day, Quigg, Wanamaker and Hayner:  
Requiring continuing education for nurses.

The Senate resumed consideration of Senate Bill No. 2272 which had been amended on Tuesday, February 13, 1979.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Wilson: "I would just like to get a portion of your preceding remarks in the record as to legislative intent—particularly with respect to rural areas. These examinations insofar as possible be conducted at the convenience of the local nurses so they do not have to make long drives, sometimes over hazardous roads to attend these courses."

Senator Day: "Yes. The way you stated your question you said these examinations, you meant these educational symposia, and it is my understanding, it is the intent of the nurses' board to make these so they facilitate the availability of these educational symposia for the benefit of nurses and then we put the additional protection in here that for good cause shown they can have the requirements."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Day, I have in my hand the communication that you had also which stated that the dues would be three hundred sixty dollars every two years for belonging to the nurses' association. Many of the nurses do not belong to the association and they have grave concerns. Number one, that the regulations that we adopted would say that the in-service training will not count as continuing education. Is it your opinion that it will count?"

Senator Day: "I don't know how, I can't anticipate how the nurses' board is going to do this, but in relation to the comment on dues there is absolutely no requirement in this bill that anyone pay dues to any organization. This, in fact, substitutes for the registered nurses' association continuing education plan that has presently been utilized and allows the board of examiners to set these places and it has absolutely nothing to do with belonging to a nurses' association, so dues do not even enter into it, Senator."

Senator Rasmussen: "What about in-service training?"

Senator Day: "Well, certainly it gives the latitude in here that the nurses' board could adopt any in-service training program and, in fact, it is my understanding that many of these training programs will be conducted in hospitals or health facilities or community colleges, something that is in the approximal area of the practicing nurse, so it could be in-service, yes."

Senator Rasmussen: "Well, that is a grave concern also. There are many, many nurses that are overworked, as you know, and do not belong to the nurses' association, but do take in-service training and they would like to continue that way, especially in rural areas, without having to leave their place of occupation to take this training and pay any extra fees for training that probably is not nearly as good as what the hospital gives them."

Senator Day: "It is my understanding that there will not be any demand by any association involved in this, just the nurses' board making available for nurses all types of training and included in that could be the consideration of in-service, which I certainly think they would consider."

Senator Rasmussen: "Thank you."

## POINT OF INQUIRY

Senator Bluechel: "Senator Day, is it possible under this bill that the nurses' board could contract out for this additional in-service training?"

Senator Day: "Well, I don't think that they will be contracting, necessarily, I think what they will do is they will provide through rules and regulations what criteria should be met, what minimum hours, if any, should be involved, this type of thing and there will be a great latitude, I believe, in the actual availability and giving of different types of programs. The nurses' practice covers a broad spectrum and, certainly they for certain, are not going to demand that all nurses take the same training."

Senator Bluechel: "Yes, Senator Day, that was the issue that was brought to me last night by various people in the profession and they thought that if it remained under the administration of the nursing board, it would be fine. But, they could get into serious difficulty and stray from their original intent if it was contracted out."

Senator Day: "I don't believe that constitutionally the nurses' board could delegate this authority to someone else. I think they would have to make very tight rules about what was going to occur relative to nurses' education. Our board just went through a situation where they delegated specific educational symposia and the court threw it out."

## MOTION

On motion of Senator Bluechel, Engrossed Senate Bill No. 2272 was held on the third reading calendar for later today.

## MOTION

Senator Clarke moved that the Senate resume consideration of the motion made by Senator Clarke on Wednesday, February 14, 1979 and Thursday, February 15, 1979 that the Committee on Ways and Means be relieved from further consideration of Substitute House Bill No. 505.

## POINT OF ORDER

Senator Donohue: "What order of business are we under, Mr. President?"

## REPLY BY THE PRESIDENT

President Cherberg: "The sixth order of business, Senator."

## PARLIAMENTARY INQUIRY

Senator Donohue: "Mr. President, is that motion appropriate under the sixth order of business?"

## REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the motion is in order, Senator Donohue."

Debate ensued.

There being no objection, Senator Clarke withdrew his motion.

## MOTION

On motion of Senator Wilson, Senator Fleming was excused.

## SECOND READING

SENATE BILL NO. 2142, by Senators Gaspard, Bottiger, Goltz and Woody: Changing the penalty for causing physical damage to animals.

## MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 2142 was substituted for Senate Bill No. 2142 and the substitute bill was placed on second reading and read the second time in full.

Senator Gaspard moved adoption of the following amendment:

On page 2, add a section following section 3 as follows:

"Sec. 4. Section 4, chapter 146, Laws of 1901 and RCW 16.52.070 are each amended to read as follows:

Except as provided in RCW 9A.48.080, every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon

the same, or unnecessarily fails to provide the same with the proper food, drink, air, light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor."

#### POINT OF INQUIRY

Senator Benitz: "Senator Gaspard, I believe I have seen part of this before. I didn't realize that in the statute as I read it I believe this would outlaw pulling contests that we had. Certainly they fall in the category of being overloaded, they are overworked. I wonder if there is an exception granted in the statutes someplace for that kind of a thing?"

Senator Gaspard: "Senator Benitz, that is not the intent of why we are proposing this amendment, nor the bill we are proposing. Again, this is current statute. We are not doing anything different that is in our law in the state of Washington right now. We do have some intent questions that we are going to offer once we get to the final passage of the bill. I will say right now that is not our intent. We have had court cases that have held and been decided as a result of our current statutes. We have had testimony from prosecutors of the various counties and they have never brought up the subject matter that you are bringing up now that concerns them and that would be affected by what we are doing today."

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

On motion of Senator Gaspard, the following amendments to the title were adopted:

On page 1, line 4 of the title, strike "and"

On page 1, line 6 of the title, after "9A.48.100" and before the period insert "; and amending section 4, chapter 146, Laws of 1901 and RCW 16.52.070"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 2142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Donohue: "Senator Hansen, this bill as written has no affect, I assume, on a normal cow-calf operation that we know of over in Eastern Washington."

Senator Hansen: "No, and I think for the journal that we should specify that it has no affects on the normal practices of the industry in the branding, castration and carrying on the normal practices on the ranch, and it also has no affect in the events that are now being used in the sport of rodeo."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2142, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody.—45.

Excused: Senators Fleming, Hayner, Keefe, von Reichbauer—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2045, by Senators Peterson and Conner:

Excluding certain salmon guides from the laws governing charter boats.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 2045 was advanced to third reading, the second 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. 2045, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody.—46.

Excused: Senators Hayner, Keefe, von Reichbauer—3.

SENATE BILL NO. 2045, having received the constitutional majority, 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. 2117, by Senators Quigg, Sellar and Talley:

Changing certain sewerage improvement districts to sewer districts.

### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2117 was substituted for Senate Bill No. 2117 and the substitute bill was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment:

On page 2, after line 31, add a new section as follows:

"NEW SECTION. Sec. 3. There is added to chapter 56.02 RCW a new section to read as follows:

(1) The board of commissioners of a sewer district may notify the owner or reputed owner of any tract, parcel of land, or other property located within the area included in a petition for a local improvement district being circulated under chapter 56.20 RCW or in a petition for annexation being circulated under chapter 56.24 RCW.

(2) Upon the request of any person, the board of commissioners of a sewer district may:

(a) Review a proposed petition to check if the petition is properly drafted; and  
 (b) Provide information regarding the effects of the adoption of any proposed petition."

Renumber the remaining section consecutively.

## POINT OF ORDER

Senator Quigg: "Mr. President, I would like to get a ruling on whether or not the amendment is within the scope and object of the bill. I feel it might be a little bit broader than the people would have in mind."

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Quigg, I presume the point of order that the amendment proposed by Senator Pullen changed the scope and object of the bill."

There being no objection, Substitute Senate Bill No. 2117 was ordered held pending a Ruling By The President on the Point of Order raised by Senator Quigg.

## SECOND READING

SENATE BILL NO. 2173, by Senators Talmadge, Clarke and Woody:

Revising the laws relating to court commissioners.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 2173 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2173, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Hayner, Keefe, von Reichbauer—3.

SENATE BILL NO. 2173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2024, by Senators Donohue, Matson, Odegaard, Scott and Conner:

Extending the 106% limit to state levies for schools.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Bill No. 2024 was substituted for Senate Bill No. 2024 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Substitute Senate Bill No. 2024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Goltz: "I do not feel this is a question that needs to go into the journal. It is an informational question for myself. Senator Donohue, with the levy lid bill in effect, which places the limitation on levies at ten percent of the school's budget, an

additional ten percent on the school's budget. If this bill goes into effect my mathematics is not good enough to work it out in my head, with one hundred six percent maximum of the value, assessed value, for the determination of the next levy, will it be possible for a school to be restricted by the one hundred six percent below the ten percent of the levy lid? Or haven't I made that question clear?"

Senator Donohue: "I think what we are talking about is the fact that special levies do not fall into this particular category and are based upon the full value. We talk about the one hundred six percent provision, we are actually talking about that amount of money in dollars and I don't know whether I have answered your question or not. Maybe there is somebody else who can answer it better."

Senator Goltz: "Then, to clarify it in my own mind, the special levy for the ten percent lid is not covered by this and, furthermore, when we phase out the regular levies altogether, this bill in effect, will be sunsetted."

Senator Donohue: "I think that is correct."

### POINT OF INQUIRY

Senator Bottiger: "Senator Donohue, property taxes do not go up equally within the state, within the county, or even within a single school district and my concern is that if in a particular school district you had, say a shopping mall being developed, that is new construction, and it created a conversion from agricultural land to industrial land immediately adjacent to the shopping mall, but no new construction, just land, do I understand this bill then would limit the increase in value, or in the tax levy on that appreciated land to six percent?"

Senator Donohue: "Regardless of whether it is re-valued at a higher level, that is correct, in dollars. The dollars would increase not more than one hundred and six percent per year."

Senator Bottiger: "Under the one hundred six percent limitation per city we are there directed at the budget of the city, they could not raise the levy against the property city-wide by more than six percent of their budget, but we allowed fluctuation for values within that city as to how the burden of the taxes were shared amongst the several taxpayers. Does this do the same thing?"

Senator Donohue: "That is right. They can raise the limit, there is a way to raise the limit under the old law and this also applies at that as by vote of the people. You can raise the one hundred and six percent by vote of the people, it has been done. Fire districts have done this."

Senator Bottiger: "One more question. In Grays Harbor county where a nuclear power plant is being built which will have a value in excess of all of the rest of the property in the county, at least according to testimony we heard, if this bill is in effect a state's share, the fifty percent that goes to the state for schools, would be limited to that county, to that school district by six percent, would then lose the money at the state level for the new nuclear power plant by reducing the other property taxes in the county?"

Senator Donohue: "It is new construction and the new construction comes on at one hundred percent so those dollars you are saying, would it reduce the dollars to the other taxing districts, is that what you are asking?"

Senator Bottiger: "The testimony we heard was that the existence of that power plant doubles the assessed value of Grays Harbor county. Now, if everybody else's property, I am talking about just a farm owner in that particular school district paying the fifty percent of his property taxes to the state for education, would his tax burden then go down because of this substantial increase?"

Senator Donohue: "In dollars I think it would yes, Senator."

Debate ensued.

## REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "In answer to Senator Bottiger's question. Since the plant such as the Satsop nuclear plant would be considered new construction, that would be on top and there should not be any effect on the other taxpayers within the district for the state collected portion, I would think. Also, something else this bill does is allows a new taxing district to get started presently. For example, if a library district would like to get started I think there is one in Jefferson county, or a new fire district, they are caught under the one hundred six percent lid. This bill corrects that problem."

## POINT OF INQUIRY

Senator Ridder: "Senator Donohue, you mentioned that in districts such as fire districts, it was possible to raise a levy by the vote of the people, but in fact have we not already set a levy lid in terms of education? We would not be allowing any kind of additional voting."

Senator Donohue: "We are talking about regular property taxes now, we are not talking about special levies."

Senator Ridder: "I understand that, but you referred to the possibility of raising extra funds through special districts."

Senator Donohue: "Well, if a fire district determines that the one hundred six percent limitation which they fall under does not raise enough money for them to buy new fire trucks or new equipment, or build a fire house, or something like that and they need more money, they can go before the people and present a proposition to raise the one hundred six percent limitation to bring in so many dollars, and they can do that. This can be done by cities, it can be done by counties and it can be done by port districts and it can be done by anyone who falls under the one hundred six percent limitation."

Senator Ridder: "That's right, but we have already exceeded that. There will undoubtedly be special levies for special purposes, but this is the same ten percent lid that we are talking about, is that not right? Excuse me, perhaps I am not making my question clear. I understand you would be setting a lid of one hundred six percent over which any special district in other circumstances, other units of government have the opportunity of raising a levy, we have already essentially incorporated that school levy into school district planning by saying that at any time they can have up to ten percent and so that lid we are talking about that already. Thank you."

Further debate ensued.

## REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, I believe that one mistake still is floating around. It was in response to Senator Goltz's question in which he felt that this bill could be sunsetted out after the levy lid went into place fully, and that is not accurate. The one hundred and six percent ceiling, in fact, should stay on place because it impacts only those school dollars now collected by the state and returned back to the apportionment formula. The levy lid is a totally different thing and it is based on the total assessed valuation of the district and is ten percent keyed to that local district's budget and has nothing to do with the basic property tax which we distribute back to the district in hopefully, a new procedure that is going to work for the benefit of everyone."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2024, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognil, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Gould, Ridder—2.

Excused: Senators Hayner, Keefe, von Reichbauer—3.

SUBSTITUTE SENATE BILL NO. 2024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2117, by Committee on Local Government (originally sponsored by Senators Quigg, Sellar and Talley):

Changing certain sewerage improvement districts to sewer districts.

The Senate resumed consideration of Substitute Senate Bill No. 2117. Earlier today, Senator Pullen moved adoption of an amendment adding a new section (3). Senator Quigg raised a Point of Order on the amendment and the bill was held pending a Ruling By The President.

There being no objection, Senator Quigg withdrew his Point of Order.

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

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2117 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2117 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognil, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Hayner, Keefe, von Reichbauer—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2511, by Senators Van Hollebeke, Walgren, Matson, Morrison, Quigg, Wojahn and Jones:

Making the recovery and recycling of waste materials part of litter control.

## REPORT OF STANDING COMMITTEE

February 5, 1979.

SENATE BILL NO. 2511, making the recovery and recycling of waste materials part of litter control (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 19, after "cities" add a comma, strike the words "and towns" and insert "towns, and counties"

On page 5, line 21 strike "municipalities" and insert "local government involved"

On page 5, line 27 strike "municipal" and insert "local government"

On page 5, line 28 strike "municipality" and insert "local government involved"

On page 5, line 30 strike "municipality" and insert "unit of local government"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg.

The bill was read the second time by sections.

Senator Van Hollebeke moved the committee amendments be considered and adopted simultaneously.

## POINT OF INQUIRY

Senator Day: "I note here in the explanation of the bill that it changes the director's authority to designate enforcement personnel from discretionary to mandatory. What, specifically, does that do?"

Senator Van Hollebeke: "Where are you reading from, Senator Day?"

Senator Day: "I'm reading from the analysis of 2511."

Senator Van Hollebeke: "It is just the opposite, I believe unless we are reading two different things. There is one area on top of page six, 'the department instead of may, shall design and produce a litter bag, etc.' and instead of 'may' 'shall' provide litter bags at no charge at points of entry into state, etc.' that was agreed upon by the department. Is that the area you are getting at, or was there another?"

Senator Day: "No, it's two paragraphs preceding that, not in the bill, but in the explanation where it says, 'it changes the director's authority to designate enforcement personnel for litter control from discretionary to mandatory.'"

Senator Van Hollebeke: "At the top of page four in the bill, which is in section four, 'the director is changed from discretionary to mandatory', it reads now, 'instead of the director may' it reads 'director shall' designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter'. I think that is probably what the writer of the analysis is getting at. That is the one that the analysis referred to. At the top of page 4 in your bill book, and that would be page 125 of the bill book."

Senator Day: "What I am wondering here, I find it now, but when it is mandated before it was discretionary for the director, but now it is mandated, what is the fiscal impact of such a change?"

Senator Van Hollebeke: "I think I feel safe in saying there is no fiscal impact, they are just saying how the money shall be spent. This is one of the ways it shall be spent."

The motion by Senator Van Hollebeke carried and the committee amendments were adopted.

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

On page 5, line 21, after "municipalities" and before "shall be" on line 22, insert "electing to participate in this program"

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2511 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2511, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, Walgren, Wanamaker, Wilson, Wojahn, Woody—43.

Voting nay: Senators Moore, Talmadge, Williams—3.

Excused: Senators Hayner, Keefe, von Reichbauer—3.

ENGROSSED SENATE BILL NO. 2511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Jones, Senator Quigg was excused.

### SECOND READING

SENATE BILL NO. 2184, by Senators Guess, Day, Pullen and Lee:

Including recycling facilities in the definition of "waste disposal facilities" for bond issuing purposes.

### MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2184 was substituted for Senate Bill No. 2184 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 2184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2184, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Hayner, Keefe, Quigg, von Reichbauer—4.

SUBSTITUTE SENATE BILL NO. 2184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SENATE BILL NO. 2272, by Senators Day, Quigg, Wanamaker and Hayner:  
Requiring continuing education for nurses.

The Senate resumed consideration of Senate Bill No. 2272 which had been advanced to third reading earlier today.

## MOTIONS

On motion of Senator Day, the rules were suspended and Senate Bill No. 2272 was returned to second reading.

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Rasmussen and Shinpoch was adopted:

On page 1, line 11, after "renewal" insert "PROVIDED, That membership in an organization shall not be a prerequisite or condition to the fulfillment of any continuing education requirement established as provided herein: PROVIDED FURTHER, That the board shall validate and administer all educational programs established as provided herein"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2272 was advanced to third reading, the second 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. 2272 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lysen, Williams—2.

Excused: Senators Hayner, Keefe, Quigg—3.

ENGROSSED SENATE BILL NO. 2272, having received the constitutional majority, 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. 2486, by Senators Sellar, Hansen and Morrison:

Removing the limit on assessment increases by the apple commission.

The bill was read the second time by sections.

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 2486 was advanced to third reading, the second 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. 2486, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley,

Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Jones, Matson—2.

Excused: Senators Hayner, Keefe, Quigg—3.

SENATE BILL NO. 2486, having received the constitutional majority, 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. 2180, by Senators Gaspard, Hansen, Benitz, Wilson, Day, Wanamaker and Hayner:

Limiting the application of nuisance laws to agricultural activities.

The bill was read the second time by sections.

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

On page 1, line 16, strike "conclusively"

## POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, I am a little bit concerned, and it may need a further amendment with this bill. It provides that agricultural activities conducted on farm land if consistent with good agricultural practices and established prior to surrounding non-agricultural activities are, conclusively presumed to be reasonable and therefore do not constitute a nuisance. I can have a place right adjacent to this farm land, you might scatter right up to my fence some very fresh, fragrant fertilizer which might be consistent with good agricultural practices, it might not be detrimental to health, though you think you are going to die anyway when you smell it, and yet this would not constitute a nuisance activity and this is what you are saying in this law, that it is not a nuisance as long as it is used for agricultural purposes. Is that correct?"

Senator Gaspard: "Senator Rasmussen, that is one of the reasons we took out 'conclusively'. There is a presumption here and, of course, with the presumption to be reasonable you have a certain amount of proof to overcome that presumption. If we would have had 'conclusively presumed' then it would have been much harder to overcome that and it would in all effect probably been very hard to overcome a 'conclusively presumed' situation. That is why we took out 'conclusively'."

Senator Rasmussen: "Well, then take another instance: I might have a very lively and some people would call them vicious pack of dogs which are running on my farm land and they might be yapping all night long and would constitute a nuisance to me, or my neighbors also, yet there would be nothing we could do. We couldn't call up the sheriff and ask anybody to quiet the dogs under this law."

Senator Gaspard: "Senator Rasmussen, I don't think that is necessarily the case. It goes beyond that. If you don't get satisfaction with calling up the sheriff, or whoever it may be about some noise and it does go to court, then whoever takes it to court will have to show beyond what is an assumption here that is presumed to be reasonable and I don't think we deny anything that you can do right now. We are really trying to state a policy that farm lands are disappearing from this Puget Sound region and those farm lands that have been established before urban areas and suburban areas have surrounded them are having a very difficult time staying where they are. I think that it is more a statement of policy by the state than anything else."

Senator Rasmussen: "Well, if I held a disco dance on my farm and I give each one of them a hoe and they were going pretty good all night long, it would constitute

agricultural activities and this would be presumed. Now you have taken 'conclusively' out, but it would be presumed that that was not a nuisance to adjacent neighbors. Is that right?"

Senator Gaspard: "Senator Rasmussen, there are other statutes that apply other than nuisance statutes. We do have some noise regulations by the department of ecology and a few other things like that and I imagine you can probably state before us about any situation and I can get up and try to answer any situations that you can come up with, but I don't think we are doing anything that is going to prevent you from complaining about noisy dogs, or whatever it could be."

Debate ensued.

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "An answer that Senator Gaspard didn't give, and that I think turns the case against Senator Rasmussen, is the question who was there first. If the dog kennel was there first and you chose to come with your subdivision and build all around it, then you bought with the dog kennel next door to you and you can't bring a nuisance action to get rid of them. The same would go with a mink farm. Down the road from me where we came out and joined a neighbor, who is a very good neighbor, at mating season the mink make a lot of noise. I knew it when I moved out there and if I don't like it I can move again."

#### REMARKS BY SENATOR GOLTZ

Senator Goltz: "I think another answer, Mr. President, which Senator Gaspard failed to give and the example that Senator Rasmussen used, that would be a hoe-down and would come under the provisions of the State dance, which we legalized in this Chamber several weeks ago."

Further debate ensued.

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 2180 was advanced to third reading, the second 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. 2180, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Rasmussen—1.

Excused: Senators Hayner, Keefe—2.

ENGROSSED SENATE BILL NO. 2180, having received the constitutional majority, 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. 2186, by Senators Bottiger, Benitz and North:  
Regulating attachments to utility poles.

## MOTION

On motion of Senator Marsh, Senate Bill No. 2186 was ordered held on the second reading calendar for Monday, February 19, 1979.

## SECOND READING

SENATE BILL NO. 2141, by Senators Day and Moore:  
Revising the regulations of the practice of pharmacy.

## MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2141 was substituted for Senate Bill No. 2141 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2141 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Day, on page 6 of the bill in the definitions on line 28, it says 'practitioner means a physician, dentist, nurse, veterinarian or other persons duly authorized by law, or by rule'. The new language is 'or rule in the state of Washington to prescribe drugs'. Could you explain what the legislative intent of that is?"

Senator Day: "Yes, it is my understanding that physicians' assistants, there was some question about their capability relative to this law and that the board of medical examiners adopted rules and I think that is intended to extend those rules through the board of pharmacy so that they could do what, in effect, the legislature intended at the time of the passage of the law. Now, there may be a better answer, but that is the only one I know of."

Senator McDermott: "It is not intended for any other group then to do it by rule than the physicians' assistants."

Senator Day: "It is not the intention of this law to in any way extend the authority for any practitioner other than that instance which we thought was inferred in the law before to prescribe any legend or controlled substance."

## POINT OF INQUIRY

Senator Wilson: "Senator Day, in connection with your last question, physicians' assistants, of course, have become of some importance in rural areas in Eastern Washington. Does your remark suggest in any way that the present authorities extended to physicians' assistants would be diminished?"

Senator Day: "No."

## POINT OF INQUIRY

Senator North: "Senator Day, what is the difference between an 'inspector' and an 'investigator'?"

Senator Day: "An inspector comes in on a routine basis and inspects for certain rule to see if certain rules are being complied with. An investigator may investigate some type of an activity which and where there is a violation of the act, or an impropriety by one of the practitioners authorized under the act, etc."

Senator North: "Would the investigator be bearing a gun?"

Senator Day: "I think they are authorized to because one of the things that we have allowed the board of pharmacy to do is regulate controlled substances. I am

not certain about that. At the moment this thing has been out here long enough now that I have forgotten some of these things."

Senator North: "All right. Senator Day, it would appear that if these investigators are going to be bearing guns, we are giving a great deal of additional authority to the pharmacy board. I can't quite understand what the investigator is, or why the inspector can't really carry out the mandates the legislature has given to that board in the past. This seems quite an expanded step for that board to take."

Senator Day: "Mr. President, I am advised by my counsel that investigators in this particular position do not carry firearms. No."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2141, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent or not voting, 4; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wojahn, Woody—37.

Voting nay: Senators Benitz, Lee, Lysen, North, Pullen, Wilson—6.

Absent or not voting: Senators Conner, Donohue, Matson, Williams—4.

Excused: Senators Hayner, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTIONS

On motion of Senator McDermott, the Committee on State Government was relieved from further consideration of Senate Bill No. 2235.

On motion of Senator McDermott, Senate Bill No. 2235 was rereferred to the Committee on Education.

#### MOTION

At 12:30 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, February 19, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FORTY-THIRD DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, February 19, 1979.

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, Keefe and Lee. On motion of Senator Wilson, Senators Bottiger and Keefe were excused.

The Color Guard, consisting of Pages Lisa Alderin and Joey Drew, presented the Colors. Reverend Paul McCann, pastor of United Churches of Olympia, offered the following pray:

"ALMIGHTY GOD, WHO IN EVERY MOMENT OF HUMAN DESTINY USES HUMAN HANDS TO DO YOUR WORK; HUMAN MINDS TO SEEK YOUR WILL, HUMAN SPIRITS TO EXPRESS YOUR WAY, WE THANK YOU TODAY FOR THOSE MEN AND WOMEN OF FAITH AND VISION, OF COMMITMENT AND A SPIRIT OF SELF-SACRIFICE, WHO HAVE BEQUEATHED TO US THE FREEDOMS OF OUR LAND.

"WE ESPECIALLY THANK YOU FOR PRESIDENTS WASHINGTON AND LINCOLN, THOSE LARGER THAN LIFE YET PROFOUNDLY HUMAN MEN WHO HAVE LEFT THEIR MARK ON US ALL, AND ON OUR LAND.

"MAY WE, O GOD, GRACE THEIR MEMORY AND THAT OF ALL WHO HAVE CARRIED THE BANNER OF LEADERSHIP IN OUR NATION AND OUR STATE, WITH VISION THAT MATCHES THE DEMANDS OF THIS DAY: COURAGE THAT MEASURES UP TO THE TOUGHNESS OF THE DECISIONS TO BE FACED IN THIS LEGISLATIVE SESSION: FAITH THAT SUSTAINS US WHEN WE KNOW WE HAVE DONE OUR BEST BUT STILL WONDER IF WE HAVE DONE THE RIGHT. "

"BE WITH AND BLESS THIS ASSEMBLY, DEAR GOD, THAT IT MAY BE AN INSTRUMENT OF YOUR LOVING PURPOSE FOR ALL PEOPLE.

"IN CHRIST'S NAME. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 16, 1979

**SENATE BILL NO. 2223**, requiring approval and announcement of prior agreement on damages in civil actions (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2223 be substituted therefor, and that Substitute Senate Bill No. 2223 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 5, 1979

SENATE BILL NO. 2264, enacting the Controlled Substances Therapeutic Research Act (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2264 be substituted therefor, and that Substitute Senate Bill No. 2264 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE BILL NO. 2273, modifying the provision for trust funds deposited with the clerk of the superior court (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2273 be substituted therefor, and that Substitute Senate Bill No. 2273 do pass.

Signed by: Senators Wilson, Chairman; Fleming, Lee, North, Talley.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2275, revising laws regulating horse racing (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2275 be substituted therefor, and that Substitute Senate Bill No. 2275 do pass.

Signed by: Senators McDermott, Vice Chairman; Clarke, Fleming, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Ridder, Sellar.

MINORITY recommendation: Do not pass.

Signed by: Senators Odegaard, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE BILL NO. 2317, revising the law relating to reduction in workers' compensation based on receipt of federal benefits (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2317 be substituted therefor, and that Substitute Senate Bill No. 2317 do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

February 1, 1979

SENATE BILL NO. 2337, revising laws relating to fraud in connection with medical care claims to the state (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2337 be substituted therefor, and that Substitute Senate Bill No. 2337 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE BILL NO. 2351, modifying the law on the determination of water rights (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2351 be substituted therefor, and that Substitute Senate Bill No. 2351 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 2474, updating references to the state building code (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, North, Woody.

Passed to Committee on Rules for second reading.

February 14, 1979

SENATE BILL NO. 2584, authorizing a security force for operating agencies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Wilson.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2620, modifying the law on unclaimed property (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Goltz, Marsh, Matson, Morrison, Ridder, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1979

SENATE BILL NO. 2691, adding a designee of the office of archaeology and historic preservation to energy facility site evaluation council (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Wilson.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE BILL NO. 2924, revising procedures for juvenile records (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2924 be substituted therefor, and that Substitute Senate Bill No. 2924 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Jones.

Passed to Committee on Rules for second reading.

February 16, 1979

SENATE BILL NO. 3014, permitting the interstate return of runaway juveniles regardless of whether an adjudication was pending when the juvenile ran away (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3014 be substituted therefor, and that Substitute Senate Bill No. 3014 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Jones, Woody.

Passed to Committee on Rules for second reading.

February 15, 1979

SENATE BILL NO. 3069, establishing standards for heat pumps (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Lysen, North, Wilson, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE SECRETARY OF STATE

DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY

February 19, 1979.

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

DEAR SIR:

On January 16, 1979, we informed both houses of the legislature of the necessity of conducting a full canvass of the signatures filed in support of Initiative to the Legislature No. 61.

We have thus far determined that at least 125,596 signatures were of legal voters and have therefore directed that the canvassing process be terminated, as this number exceeds the minimum number of signatures of legal voters required by the State Constitution.

Therefore, we respectfully certify Initiative to the Legislature No. 61 as to the sufficiency of signatures submitted, and pursuant to Article II, section 1, of the State Constitution and RCW 29.79.200, we respectfully transmit a full, true, and complete text of the Initiative as filed in this office on April 24, 1978.

Sincerely,  
BRUCE K. CHAPMAN  
Secretary of State

MESSAGES FROM THE HOUSE

February 16, 1979.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 30,  
ENGROSSED HOUSE BILL NO. 46,  
ENGROSSED HOUSE BILL NO. 376, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

February 16, 1979.

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

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

February 16, 1979.

Mr. President: The House has passed:  
HOUSE BILL NO. 6,  
SUBSTITUTE HOUSE BILL NO. 16,  
HOUSE BILL NO. 45,  
HOUSE BILL NO. 65,  
SUBSTITUTE HOUSE BILL NO. 76,  
ENGROSSED HOUSE BILL NO. 168,  
SUBSTITUTE HOUSE BILL NO. 171,  
HOUSE BILL NO. 183,  
SUBSTITUTE HOUSE BILL NO. 188,

ENGROSSED HOUSE BILL NO. 226, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

#### INITIATIVE TO THE LEGISLATURE NO. 61:

AN ACT Relating to solid waste management, establishing a minimum refundable deposit on beverage containers to promote their reuse and recycling; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Ecology.

#### HOUSE BILL NO. 6, by Representatives McCormick and Martinis:

Exempting locomotive operator from the need for a driver's license.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 16, by Committee on Local Government (Originally sponsored by Representatives Whiteside, Winsley, Van Dyker, Isaacson, Fuller and Barnes):

Authorizing local governments to administer senior citizen programs.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 30, by Representatives Ehlers, Nelson (G.A.), Taller and Sanders:

Establishing a method by which certain criminal cost bills will be paid by the state.

Referred to Committee on State Government.

HOUSE BILL NO. 45, by Representatives Clayton, Kreidler and Smith (C.P.) (by request of the Committee on Agriculture of the 45th Legislature):

Increasing the scope of crop liens.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 46, by Representatives Clayton, Kreidler, Van Dyken, Fuller, Smith (C.P.) and Heck (by Committee on Agriculture of the 45th Legislature request):

Providing for promoting markets for state agricultural products.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 76, by Committee on Local Government (Originally sponsored by Representatives Charnley, Zimmerman, Garrett, and Brekke) (by House Committee on Local Government of 45th Legislature request):

Clarifying grant of home rule power to local governments.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 168, by Representatives Warnke, Struthers, Salatino, Sanders, Fuller, Addison, Greengo and Maxie (by Legislative Committee on Commerce request):

Excluding babysitting referral services from the definition of employment agency.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 171, by Committee on Natural Resources (Originally sponsored by Representative Schmitt):

Establishing a minimum fine for molesting food fish or shellfish.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 183, by Representatives Schmitten and Vrooman:  
Changing procedures used by the department of natural resources in sales and exchanges.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 188, by Committee on Natural Resources (Originally sponsored by Representatives Martinis, Schmitten, Vrooman, Mitchell and Wilson):

Requiring selective removal of snags.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 226, by Representatives Heck, Thompson, Grimm, Barnes, Galloway, Bauer, Zimmerman, Burns and Williams:

Authorizing certain reciprocity tuition and fee waivers with the state of Oregon.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 376, by Representatives O'Brien, Warnke, Thompson, Salatino, Eberle, Erickson, Blair, Adams, Burns, Lux, Chandler, Brown, Teutsch and Maxie:

Establishing the pacific northwest festival facility.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2, by Representatives Oliver, Bond, Tilly, Owen, Walk, Pruitt, Craswell, Addison, Teutsch, Hurley, Rohrbach, Taylor, Williams and Sanders:

Establishing a week honoring the family.

Referred to Committee on State Government.

#### MOTION

On motion of Senator Walgren, House Bill No. 65 was ordered held on the desk of the Secretary of the Senate.

#### SECOND READING

SENATE BILL NO. 2028, by Senators Rasmussen and Walgren:

Permitting police to divert telephone lines in an emergency hostage situation.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2028 was substituted for Senate Bill No. 2028 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2028 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2028 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Lee—1.

Excused: Senators Bottiger, Keefe—2.

**SUBSTITUTE SENATE BILL NO. 2028**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Jones, Senator Lee was excused.

### SECOND READING

**SENATE BILL NO. 2055**, by Senators Odegaard and Gould:

Mandating course for teachers in how to identify children with learning/language disabilities.

### MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2055 was substituted for Senate Bill No. 2055 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2055 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 Odegaard, this is a very worthwhile measure but I am wondering if it goes far enough. This provides only that the teacher training in the institutions of higher education. What would it do in a case of a person coming in from out of state without being able to show the necessary ten hours of training?"

Senator Odegaard: "Well, Senator Rasmussen, this bill does not correct all ills, with this particular problem I would be the first to admit that and similar questions came up in committee. The only thing, I did not want to bite more than we could chew at this time. I have been discussing with Senator Donohue possibly including some in-service training for teachers in our K-12 system so that not only the teachers who come from out of state who don't have this kind of training, but also our present teachers who haven't had the training coming out of our own colleges and universities and could receive some kind of in-service training and I would appreciate your support of that."

Senator Rasmussen: "That was my next question. You are contemplating writing in continuing education and this would be part of the ten hour course?"

Senator Odegaard: "We are contemplating that, Senator Rasmussen. I don't know what the end result will be."

Senator Rasmussen: "Thank you."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2055 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison,

Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Bottiger, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2132, by Senators McDermott, Gaspard and Morrison (by Superintendent of Public Instruction request):

Extending date that funds for school building purposes may be used on school facilities cost stabilization program.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2132 was substituted for Senate Bill No. 2132 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2132 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Guess: "Senator McDermott, one of the things that standardization of plans and component parts has done is that in certain instances it has caused a great deal of delay because the component parts were not available. Does this contemplate that the school board might buy the component parts in advance, maybe for three or four years and put them in a warehouse and then turn them over to the successful bidder for the buildings?"

Senator McDermott: "This bill itself is merely to give the school board the opportunity, the state school board, the possibility of going on with the program. It has no implications in terms of what must or must not occur. I think those kinds of proposals make sense perhaps, but that is not the intention. This bill is merely to keep the program going."

Senator Guess: "Thank you very much."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2132 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Jones, Senator Matson was excused.

## SECOND READING

SENATE BILL NO. 2226, by Senators Odegaard and Peterson:  
Permitting a port district to own property in another port district.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2226 was substituted for Senate Bill No. 2226 and the substitute bill was placed on second reading and read the second time in full.

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

On page 2, after line 3, insert the following:

"Sec. 3. Section 3, chapter 93, Laws of 1917 and RCW 53.32.050 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the port commission shall require of every lessee under this chapter a bond with sufficient surety, to be approved by the port commission, in such penalty, and not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars, as may be prescribed by the port commission, conditioned for the payment by the lessee of the rental reserved in his lease at or prior to the time of payment therein specified, during the term of such lease or during such part thereof as the port commission in its discretion shall require to be covered by such bond; and in case only a part of the term of such lease shall be covered thereby, said port commission shall require of such lessee another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the lease, or such part thereof as the port commission in its discretion shall require to be covered thereby. The port commission shall have power at any time to summon sureties upon any bond and to examine into the sufficiency thereof, and if it shall find the same to be insufficient it shall require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the lease; and the port commission shall have power upon sixty days' notice to cancel any lease for a substantial breach by the lessee of any of the conditions thereof, or for lack of a bond therewith as herein required. Notwithstanding any such lease now or hereafter existing the state shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage or other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used, and the right to prevent extortion and discrimination in such use thereof.

(2) The port commission shall permit a lessee to pay a cash deposit in the amount of the required bond instead of any bond required under subsection (1) of this section."

Renumber the remaining sections consecutively.

On motion of Senator Wilson, the following amendment by Senator Bluechel to the title was adopted:

On page 1, line 2 of the title, after "53.04.120;" insert "amending section 3, chapter 93, Laws of 1917 and RCW 53.32.050;".

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2226 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

Senator Talley moved that Engrossed Substitute Senate Bill No. 2226 be made a special order of business at 2:15 p.m. today.

POINT OF INQUIRY

Senator Odegaard: "Senator Talley, may I ask for your reason for your motion to hold? . . . it wasn't my amendment, Senator Talley, it was Senator Bluechel's amendment. That is your reason because of the amendment? I would agree to hold it."

The motion by Senator Talley carried. Engrossed Substitute Senate Bill No. 2226 was made a special order of business for 2:15 p.m. today on third reading.

SECOND READING

SENATE BILL NO. 2229, By Senators Walgren and Marsh:  
Revising the criminal code.

REPORT OF STANDING COMMITTEE

January 31, 1979.

SENATE BILL NO. 2229, revising the criminal code (reported by Judiciary Committee):

Recommendation: Do pass with the following amendment:

On page 6, line 14, after "intruders))" strike "other than a fenced area".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Pullen, the following amendment by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognild was adopted:

On page 4, after line 25, insert the following:

"Sec. 8. Section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010 are each amended to read as follows:

(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 or 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.

(3) Every person convicted of assault in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognilid:

On page 5, after line 24, insert the following:

"Sec. 10. Section 9A.40.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.020 are each amended to read as follows:

(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.

(3) Every person convicted of kidnaping in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

#### MOTION

Senator Walgren moved that Senate Bill No. 2229, as amended, be rereferred to the Committee on Rules.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Walgren, would you mind putting this over to the fighting calendar rather than sending it back to the rules committee? That would be a saving motion which would allow this body to complete its action on this bill, which is very important bill and the amendments as offered by Senator Pullen are also very important. Sometimes the rules committee, though most of the time they work very expeditiously, they sometimes have a delay. If you would just put this over to the regular calendar, then we would have time to discuss the amendments and also work on the bill earlier."

Senator Walgren: "I believe that we probably will have perhaps one or two other bills of this nature. You will note that I am the prime sponsor of this measure, Senator Rasmussen, and I certainly want to have the bill to come out here just as quickly as possible for consideration."

Senator Rasmussen: "It is a good bill and being made better by the amendments."

Debate ensued.

The motion by Senator Walgren carried. Senate Bill No. 2229, as amended, was rereferred to the Committee on Rules.

#### SECOND READING

SENATE BILL NO. 2233, by Senators Donohue, Clarke and Bausch:  
Modifying provisions regulating small loan companies.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2233 was advanced to third reading, the second 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. 2233 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—44.

Voting nay: Senators McDermott, Moore, Wojahn—3.

Absent or not voting: Senator Bluechel—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Jones, Senator Bluechel was excused.

### SECOND READING

SENATE BILL NO. 2277, by Senators Wanamaker and Moore:  
Permitting certain bus stop signs.

### REPORT OF STANDING COMMITTEE

February 6, 1979.

SENATE BILL NO. 2277, permitting certain bus stop signs (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 33 before "shall" strike "commission" and insert "department of transportation".

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Guess, Hansen, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Wanamaker, the committee amendment was adopted.

On motion of Senator Wanamaker, the rules were suspended, Engrossed Senate Bill No. 2277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Goltz: "Senator Wanamaker, where these bus shelters are located within the jurisdiction of the city on a city street, or where they are on a county road, would the department of transportation standards still apply?"

Senator Wanamaker: "They will apply as far as the signing is concerned."

## ROLL CALL

Secretary called the roll on the final passage of Engrossed Senate Bill No. 2277 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Bluechel—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2277, having received the constitutional majority, 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. 2305, by Senators Bausch, Clarke and Walgren (by Department of Licensing request):

Modifying insurance and bond requirements of escrow agents.

The bill was read the second time by sections.

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

On page 1, line 18, before the period, insert: "or, alternatively, cash or securities in the principal amount of \$50,000 deposited in an approved depository on condition that they be available for payment of any claim payable under an equivalent errors and omissions policy in that amount and pursuant to rules and regulations adopted by the department for that purpose".

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 2305 was advanced to third reading, the second 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. 2305 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Morrison—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2305, having received the constitutional majority, 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. 2393, by Senators Odegaard, Gaspard, Hansen, Peterson and Wanamaker:

Establishing enforcement procedures to prevent the spread of noxious weeds.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2393 was substituted for Senate Bill No. 2393 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2393 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 Odegaard, I realize that tansy ragwort is a problem, but one question would be, does this apply also to the county right-of-way, that they may be cited by the control board? A second question would be, do you provide a specified time of at least ten days from the issuance of the notice and it could be such a thing that the person owning the land and a lot of his pasture land probably is owned by absentee owners who have it leased or rented, but the fine would be assessed against the owner. Do you think ten days is enough time and when the control board themselves do the spraying or the removal of the weeds of whatever shape, it is usually very expensive, by the time they send their crews out. What are the answers to those questions?"

Senator Odegaard: "In the question of the ten days, that is why it says at least ten days, so it would be at the discretion of the board to be reasonable in that case and where there are so many absentee owners I would imagine that they would use good discretion on that and that is why it does say at least ten days from issuance of the notice. On your first question, does it apply to public right-of-ways, I don't know the answer to that for sure. It probably ought to, we do have the problem in not only private, but also public right-of-ways and along the highways, and so forth and I can't answer your question for sure. Maybe there is someone else who knows the answer to that."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2393 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2403, by Senators Wilson and Sellar (by State Auditor request):

Revising the law on billing municipal corporations for services rendered.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 2403 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2403 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2111, by Senators Odegaard, Donohue, Morrison, Woody, Talley, Benitz, Conner and Peterson:

Pertaining to taxation of timber and timber lands.

### REPORT OF STANDING COMMITTEE

February 8, 1979.

SENATE BILL NO. 2111, pertaining to taxation of timber and timber lands, (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 12, after line 10, insert a new section as follows and renumber remaining sections accordingly:

"NEW SECTION. Sec. 5. Section 9, chapter 123, Laws of 1975-76 2nd ex. sess. (uncodified) is repealed."

On page 12, after line 10, insert a new section as follows and renumber remaining sections accordingly:

"NEW SECTION. Sec. 6. The tax rate provided in RCW 82.04.291 applies retrospectively to January 1, 1979."

On page 1, line 10 of the title, after "84.33.200;" insert "repealing session 9, chapter 123, Laws of 1975-76 2nd ex. sess. (uncodified);".

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Walgren, Wojahn.

The bill was read the second time by sections.

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

### MOTION

On motion of Senator Walgren, Senate Bill No. 2111, as amended, was rereferred to the Committee on Rules.

### SECOND READING

SENATE BILL NO. 2136, by Senators Day and Van Hollebeke:

Authorizing agreements for purpose of conducting multi-state dental licensing examinations.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2136 was advanced to third reading, the second 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. 2136 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Williams—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2136, having received the constitutional majority, 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. 2140, by Senators Odegaard and Goltz:

Permitting funds for scholarships for performing arts students so long as monies from performing arts events go into fund therefor.

### MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2140 was substituted for Senate Bill No. 2140 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 2140 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: "Senator Odegaard, in reading the amendatory language, it says 'the funds used for purposes providing scholarships,' and so forth . . . 'shall include but not be limited to monies received as contributors, donated funds or revenue derived from performing arts events, including admission receipts,' . . . do you read that as making those all revenue from that or directing that all revenues from such events mandatorially be used for this?"

Senator Odegaard: "No, Senator Van Hollebeke, the way the original bill was drafted, there was some concern about that. In fact, that very question came up by Senator Guess. And, in committee, at Senator Guess' suggestion, we came up with this language so that not all of the funds would have to be used for such type scholarships and that is why it says 'shall include but not be limited to'."

Senator Van Hollebeke: "I don't think that language does that. I think it at least leaves a question. The wording 'that it not be limited to' merely provides that additional funds may be used but it doesn't speak to the matter of whether or not

these funds derived from gate revenue and so forth . . . have to be included. I think it is a little ambiguous."

Senator Odegaard: "Well, if you would like, Senator, we could hold the bill until two o'clock and you and I could discuss that."

Senator Van Hollebeke: "All right, thank you."

#### MOTION

On motion of Senator Odegaard, Substitute Senate Bill No. 2140 was made a special order of business for 2:00 p.m. today on third reading.

#### MOTION

At 12:30 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SECOND READING

SENATE BILL NO. 2176, by Senators Donohue, Shinpoch and Scott (by State Treasurer request):

Revising the law relating to state debts.

#### REPORT OF STANDING COMMITTEE

February 8, 1979.

SENATE BILL NO. 2176, revising the law relating to state debts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 7, following "39.42.080", insert "or principal of and interest on bond anticipation notes".

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Shinpoch, Walgren, Wojahn.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

The motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 2176 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2176 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Pullen—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2176, having received the constitutional majority, 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. 2178, by Senators Marsh, Clarke, Talmadge, Woody, Hayner and Vognild:

Authorizing standby guardians to authorize emergency medical treatment.

REPORT OF STANDING COMMITTEE

January 26, 1979.

SENATE BILL NO. 2178, authorizing standby guardians to authorize emergency medical treatment (reported by Judiciary Committee):

Recommendation: Do pass with the following amendment:

On page 2, line 13, after "RCW" strike "11.88.125" and insert "11.92.040".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2178 was advanced to third reading, the second 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. 2178 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Wanamaker—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2178, having received the constitutional majority, 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. 2179, by Senators von Reichbauer and Lewis (by State Parks and Recreation Commission request):

Assessing penalties to be used to fund law enforcement by the parks and recreation commission.

REPORT OF STANDING COMMITTEE

January 26, 1979.

SENATE BILL NO. 2179, assessing penalties to be used to fund law enforcement by the parks and recreation commission (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 12, strike "forty" and insert "fifty-five".

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Wanamaker, Woody.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 2179 was advanced to third reading, the second 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. 2179 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognil, von Reichbauer, Walgren, Wilson, Wojahn, Woody—40.

Voting nay: Senators Conner, Lysen, McDermott, Moore, Talmadge, Williams—6.

Absent or not voting: Senators Fleming, Wanamaker—2.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2179, having received the constitutional majority, 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. 2204, by Senators Woody, Odegaard, Conner, Peterson, Newschwander, von Reichbauer and Talley:

Modifying the provisions for free hunting and fishing licenses.

### MOTION

Senator Clarke moved that Senate Bill No. 2204 be rereferred to the Committee on Rules.

Debate ensued.

### POINT OF INQUIRY

Senator Peterson: "Senator Walgren, does this mean now that we are operating under the assumption that if any member in this body has one objection to any particular bill on the consent calendar, does that mean that all of the bills that would be raised would be going back to rules?"

Senator Walgren: "Well, I suppose that if there was one member with a violent objection to a particular measure that it would go back to rules. These are supposed to be consent for all of us with little debate, with very few if any amendments and they would then have to go through the regular course. I would assume that a measure as good as this one, and as beneficial as this one, is going to come out very rapidly, Senator Peterson."

Senator Peterson: "I don't see any amendments on the desk and the chairman of the committee that passed the bill out and that sponsored the bill, I haven't heard any objections to having this on the calendar except from Senator Clarke. Maybe Senator Clarke can respond."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Under the understanding that we had, our members did not feel it was necessary to place amendments on the desk because it was understood that if there was substantial objection, the bill would go back to rules."

POINT OF INQUIRY

Senator Peterson: "Senator Walgren, I still don't understand and you haven't clarified my point. If one person in this body can object to any particular measure and I am sure that I can object to most of them, or a lot of them. If an individual on either side of the aisle can send a bill back to rules when there are not amendments on the desk there is nothing in opposition to the bill except one member on the Senate floor stands up and says he wants it sent back to rules."

Senator Walgren: "As I understand it, first there is more than one member who has an objection to this particular matter, and that there are a number of persons who are objecting to it. This is no different than the procedure that we have followed on consent calendars before that either if the measure ran into difficulty because it had a number of amendments or if there were members who objected to its being on the consent calendar it would go back to rules."

REMARKS BY SENATOR WOODY

Senator Woody: "I will certainly bow to the will of the body in this matter, but may I simply state that I feel it is regrettable if there is a substantial disagreement with the provisions of this bill which would essentially grant a free fishing license to all residents of our state of at least one year who are sixty-five years of age and older."

The motion by Senator Clarke carried. Senate Bill No. 2204 was rereferred to the Committee on Rules.

MOTION

On motion of Senator Jones, Senator Wanamaker was excused.

SECOND READING

SENATE BILL NO. 2221, by Senators Marsh, Day, von Reichbauer, Sellar, Gallagher and Talmadge:

Revising law relating to medical malpractice.

REPORT OF STANDING COMMITTEE

January 31, 1979.

SENATE BILL NO. 2221, revising law relating to medical malpractice (reported by Judiciary Committee):

Recommendation: Do pass with the following amendment:

On page 1, line 1; after "to" strike "medical malpractice" and insert "health care practitioner review boards".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

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

On page 1, line 22, after "committees" insert "or boards".

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2221 was advanced to third reading, the second 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. 2221 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SPECIAL ORDER OF BUSINESS

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 2140, by Committee on Higher Education (originally sponsored by Senators Odegaard and Goltz):

Permitting funds for scholarships for performing arts students so long as moneys from performing arts events go into fund therefor.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2140 on third reading.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2140.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2140 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### SECOND READING

SENATE BILL NO. 2237, by Senators Day, Donohue, Conner, Wilson, Gaspard, Newschwander, Wanamaker, North, Lee, Morrison, Gallagher, Quigg, Van Hollebeke, Goltz, Vognild, Hayner, Jones, Bluechel, Sellar, Guess, Peterson, Shinpoch, Moore, Walgren, Odegaard, Fleming, Ridder, Rasmussen, von

Reichbauer, Marsh, McDermott, Talmadge, Woody, Talley, Wojahn, Williams and Bausch (by Executive request):

Modifying and extending the senior citizens service act.

REPORT OF STANDING COMMITTEE

February 7, 1979.

SENATE BILL NO. 2237, modifying and extending the senior citizens service act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 16, after "74.38.040" strike the parentheses and all of the material down to and including the double parentheses on line 21 and insert ": PROVIDED FURTHER, (~~That when volunteer workers and public assistance recipients are not available;~~), the department and the area agencies shall utilize the bid procedure pursuant to chapter 43.19 RCW for providing such services to low income and nonlow income persons whenever the services to be provided are available through private agencies at a cost savings to the department".

On page 1, strike section 3 and renumber the remaining section accordingly.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Sellar, Wojahn.

The bill was read the second time by sections.

On motion of Senator Day, the amendment by the Committee on Social and Health Services on page 1, beginning on line 16 was adopted.

Senator Donohue moved adoption of the amendment by the Committee on Ways and Means to page 1, striking section 3.

POINT OF INQUIRY

Senator Day: "Senator Donohue, that will be a line item as well, won't it?"

Senator Donohue: "That is correct. We intend to be specific in putting that in the budget so that the department cannot shift those funds. It will be used for this purpose."

The motion by Senator Donohue carried. The amendment by the Committee on Ways and Means striking section 3 was adopted.

Senator Scott moved adoption of the following amendment:

On page 1, line 24, after "provided" insert:

"(~~except, that nutritional services, health screening, or adult clinic services, and access services provided in RCW 74.38.040 shall not be based on need and no fee shall be charged~~)".

POINT OF INQUIRY

Senator Day: "Senator Scott, what does this do to the elder citizen who may not quite come under the needs test and would like to participate in a hot meal and pay a reasonable fee for it?"

Senator Scott: "Well, the needs test does not apply to the hot meal program such as S.P.I.C.E. you are thinking of."

Senator Day: "Does not apply? What services does it apply to?"

Senator Scott: "The one stricken here would be included . . . nutritional services, health screening or access services — that is health checkups."

## POINT OF INQUIRY

Senator Wilson: "Senator Scott, it has been my intention to vote for a senior citizens services act which met with the approval of the senior citizens lobby. My question is, does this amendment meet with their approval?"

Senator Scott: "Senator Wilson, I have not checked with the senior citizens lobby. It simply is my intent, as I stated it, that is that all of the services provided should fall under the same test. That is the forty percent median income so that those who are the most in need will get all of the thirteen million dollars."

## MOTION

On motion of Senator Wilson, Senate Bill No. 2237, as amended, together with the pending amendment by Senator Scott, was ordered placed on today's second reading calendar following consideration of Senate Bill No. 2256.

## SECOND READING

SENATE BILL NO. 2254, by Senators Hansen, Gaspard, Day, Benitz and Wanamaker (by Department of Agriculture request):

Updating laws relating to agriculture.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 2254 was substituted for Senate Bill No. 2254 and the substitute bill was placed on second reading and read the second time in full.

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

On page 18, after line 22, insert:

"(1) Section 13, chapter 165, Laws of 1927 and RCW 16.40.100;"

Renumber the remaining subsections consecutively.

On motion of Senator Hansen, the following amendment to the title was adopted:

On page 2, line 11 of the title, after "16.57 RCW;" insert "repealing section 13, chapter 165, Laws of 1927 and RCW 16.40.100;"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 2254 was advanced to third reading, the second 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. 2254, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS  
THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2226, by Committee on Local Government (originally sponsored by Senators Odegaard and Peterson):

Permitting a port district to own property in another port district.

The time having arrived, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 2226.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2226.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2226 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:20 p.m., on motion of Senator Walgren, the Senate recessed until 3:03 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:03 p.m.

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

SECOND READING

SENATE BILL NO. 2237, by Senators Day, Donohue, Conner, Wilson, Gaspard, Newschwander, Wanamaker, North, Lee, Morrison, Gallagher, Quigg, Van Hollebeke, Goltz, Vognild, Hayner, Jones, Bluechel, Sellar, Guess, Peterson, Shinpoch, Moore, Walgren, Odegaard, Fleming, Ridder, Rasmussen, von Reichbauer, Marsh, McDermott, Talmadge, Woody, Talley, Wojahn, Williams and Bausch (by Executive request):

Modifying and extending the senior citizens service act.

The Senate resumed consideration of Senate Bill No. 2237 on second reading. Earlier today, the amendments by the Committee on Social and Health Services and the Committee on Ways and Means were adopted. Senator Scott had moved adoption of an amendment to page 1, line 24.

There being no objection, Senator Scott withdrew his proposed amendment.

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

On page 1, line 26, after "charged" insert "except further, notwithstanding any other provision of this chapter, that well adult clinic services may be provided in lieu of health screening services if such clinics use the fee schedule established by this section".

On motion of Senator Donohue, the following amendment to the title was adopted:

On page 1, line 5 of the title, strike "making an appropriation;".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2237 was advanced to third reading, the second 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. 2237 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate resumed consideration of Senate Bill No. 2111.

### SECOND READING

SENATE BILL NO. 2111, by Senators Odegaard, Donohue, Morrison, Woody, Talley, Benitz, Conner and Peterson:

Pertaining to taxation of timber and timber lands.

The Senate resumed consideration of Senate Bill No. 2111 which was amended earlier today and rereferred to the Committee on Rules.

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

On page 1, line 28 strike "~~((December 31, 1978))~~ June 30, 1981," and insert: "December 31, 1978".

On page 1, line 29 after "percent." insert: "Commencing with January 1, 1979 the rate shall be five percent."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senator Morrison.

### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Guess, Hayner, Henry, Jones, Lee, Lewis, Matson, Morrison, Newschwander, Pullen, Quigg, Sellar, Wanamaker, Wilson—18.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Hansen, Lysen, Marsh, McDermott, Moore, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—30.

Excused: Senator Keefe—1.

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

On page 1, after line 29, insert a new subsection as follows:

"(c) In addition to the excise tax levied in subsection (1) (b) of this section, harvesters of Western red cedar (Thuja plicata D. Don) shall also pay a timber excise tax equal to twenty-five percent of the stumpage value of such timber: PROVIDED, That the proceeds of this additional tax shall be refunded to the harvester upon providing proof of primary processing of such timber by a domestic processor."

On page 2, line 22, insert the following subsection:

"(e) "Primary processing" means timber that has been processed into dimensional lumber, pulp broken down to maximum utilization of the wood, veneer, plywood, and poles, posts and pilings that will receive no further processing, excluding processed timber commonly referred to as "waney cant"."

#### POINT OF ORDER

Senator Bausch: "I would like to ask the Chair for a Ruling on the question of scope and object on the amendments proposed by Senator Quigg."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President will recognize your point, Senator, immediately after the Senate decides whether it wishes to consider the two amendments together. Senator Quigg has requested that the two amendments be considered simultaneously.

"If there are no objections, it is so ordered."

Debate ensued.

#### REMARKS BY SENATOR BAUSCH

Senator Bausch: "Thank you, Mr. President. Just briefly, most of the statements have been made concerning these types of amendments that would substantially change the bill and make it very controversial.

"We need this bill in its present form to get this issue settled, if we can, not hold it up.

"The bill relates to tax. It does not relate to processing of any specific type of wood fiber and I would urge that you join me, at least I hope, in getting a Ruling that it is outside of scope."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator Bausch has raised a point of order that the proposed amendments changes the scope and object of the bill.

"In ruling upon the Point of Order as presented by Senator Bausch, the President finds that Senate Bill 2111 is a measure which extends the six and one-half percent timber tax, revises the manner in which such tax is distributed and creates a forest tax committee.

"The amendments proposed by Senator Quigg levies an additional excise tax on harvesters of western red cedar alone and provides for an exemption from such tax.

"The President therefore finds that the proposed amendments do expand the scope and object of the bill and that the point of order is well taken."

The amendments proposed by Senator Quigg were ruled out of order.

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

On page 1, line 29 strike "1981" and insert: "1980".

On page 1, line 29 after "percent." insert: "Commencing July 1, 1980 the rate shall be five percent."

Debate ensued.

Senior Benitz demanded a roll call and the demand was sustained.

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

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 16; nays, 32; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, Pullen, Quigg, Sellar, Wanamaker—16.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Hansen, Henry, Lysen, Marsh, McDermott, Moore, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—32.

Excused: Senator Keefe—1.

On motion of Senator Odegaard, the following amendment by the Committee on Ways and Means to the title was adopted:

On page 1, line 10 of the title, after "84.33.200;" insert "repealing session 9, chapter 123, Laws of 1975-76 2nd ex. sess. (uncodified);".

On motion by Senator Odegaard, the rules were suspended, Engrossed Senate Bill No. 2111 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2111 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Lee, Lysen, Marsh, McDermott, Moore, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—36.

Voting nay: Senators Benitz, Bluechel, Guess, Hayner, Henry, Jones, Lewis, Matson, Morrison, Newschwander, Sellar, Wanamaker—12.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:50 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, February 20, 1979.

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

## FORTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 20, 1979.

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 Day, Gallagher, Keefe, Rasmussen and Shinpoch. On motion of Senator Wilson, Senators Day, Keefe, Rasmussen and Shinpoch were excused. On motion of Senator Lewis, Senator Gallagher was excused.

The Color Guard, consisting of Pages Susan Harrison and Mark Verdeck, presented the Colors. Reverend David W. Kratz, pastor of the United Churches of Olympia, offered the following prayer:

"I WILL QUOTE TODAY FROM ONE OF THE PRAYERS OF KIERKEGAARD WHICH I HAVE BEEN READING AND WILL OFFER THAT PRAYER TODAY:

'FATHER IN HEAVEN. WHAT IS A MAN WITHOUT THEE! WHAT IS ALL THAT HE KNOWS, VAST ACCUMULATION THOUGH IT BE, BUT A CHIPPED FRAGMENT IF HE DOES NOT KNOW THEE! WHAT IS ALL HIS STRIVING, COULD IT EVER ENCOMPASS A WORLD, BUT A HALF-FINISHED WORK IF HE DOES NOT KNOW THEE; THEE THE ONE, WHO ART ONE THING AND WHO ART ALL! SO MAY THOU GIVE TO THE INTELLECT WISDOM TO COMPREHEND THAT ONE THING; TO THE HEAR, SINCERITY TO RECEIVE THIS UNDERSTANDING; TO THE WILL, PURITY THAT WILLS ONLY ONE THING. IN PROSPERITY MAY THOU GRANT PERSEVERANCE TO WILL ONE THING; AMID DISTRACTIONS, COLLECTEDNESS TO WILL ONE THING; IN SUFFERING, PATIENCE TO WILL ONE THING. OH, THOU THAT GIVEST BOTH THE BEGINNING AND THE COMPLETION, MAY THOU EARLY AT THE DAWN OF DAY GIVE TO THE YOUNG MAN THE RESOLUTION TO WILL ONE THING. AS THE DAY WANES MAY THOU GIVE TO THE OLD MAN A RENEWED REMEMBRANCE OF HIS FIRST RESOLUTION, THAT THE FIRST MAY BE LIKE THE LAST, THE LAST LIKE THE FIRST, IN POSSESSION OF A LIFE THAT HAS WILLED ONLY ONE THING.' AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 20, 1979.

SENATE BILL NO. 2244, authorizing a bond issue for fisheries facilities, (reported by Committee on Rules which recommends that Senate Bill No. 2244 be rereferred to the Committee on Ways and Means):

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

February 16, 1979.

SENATE BILL NO. 2335, establishing a nursing home audit and cost reimbursement system (reported by Committee on Ways and Means):

Recommendation: That Substitute Senate Bill No. 2335 be substituted therefor, and that Substitute Senate Bill No. 2335 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Walgren, Wojahn.

#### MOTION

On motion of Senator Walgren, the rules were suspended and Senate Bill No. 2335 was ordered placed on the second reading calendar for today.

#### REPORT OF STANDING COMMITTEE

February 19, 1979.

SENATE BILL NO. 2396, exempting certain intra-family transfers from the excise tax on real estate transfers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

February 19, 1979.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402,

ENGROSSED HOUSE BILL NO. 588, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 19, 1979.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 96,

SUBSTITUTE HOUSE BILL NO. 163,

SUBSTITUTE HOUSE BILL NO. 175,

HOUSE BILL NO. 187,

HOUSE BILL NO. 196,

SUBSTITUTE HOUSE BILL NO. 249,

ENGROSSED HOUSE BILL NO. 279,

ENGROSSED HOUSE BILL NO. 288,

SUBSTITUTE HOUSE BILL NO. 319,

HOUSE BILL NO. 351,

ENGROSSED HOUSE BILL NO. 397

HOUSE BILL NO. 455,

SUBSTITUTE HOUSE BILL NO. 459,

SUBSTITUTE HOUSE BILL NO. 481,

SUBSTITUTE HOUSE BILL NO. 578,

HOUSE BILL NO. 602, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

**SUBSTITUTE HOUSE BILL NO. 96**, by Committee on Transportation (originally sponsored by Representatives Sherman and Charnley):

Facilitating ride sharing operations.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 163**, by Committee on State Government (originally sponsored by Representatives North, Erickson, Ehlers and Valle):

Adding lay member to the veterinary board of governors.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 175**, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Schmitten, Vrooman, Mitchell, Galloway, Jovanovich and Erak) (by Department of Fisheries request):

Extending the limitation on commercial salmon licenses.

Referred to Committee on Natural Resources.

**HOUSE BILL NO. 187**, by Representatives Vrooman, Fuller, Schmitten and Teutsch:

Authorizing the department of natural resources to exchange surplus administrative land for certain purposes.

Referred to Committee on Natural Resources.

**HOUSE BILL NO. 196**, by Representatives Clayton, Walk and McCormick (by Department of Licensing request):

Increasing the interest rate for delinquent reciprocal or proportional registration fees.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 249**, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lux, Adams and Burns) (by Department of Social and Health Services request):

Implementing the National Health Planning and Resources Development Act of 1974.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 279**, by Representatives Newhouse and Knowles:

Excluding small civil claims from the court of appeals.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 288**, by Representatives McCormick, Wilson, Gallagher, Bond, Addison and Douthwaite:

Encouraging the use of nonpolluting fuels.

Referred to Committee on Energy and Utilities.

**SUBSTITUTE HOUSE BILL NO. 319**, by Committee on Higher Education (originally sponsored by Representatives Burns, Patterson, Grimm, Barnes, Douthwaite, Keller, Kreidler, Greengo, Lux, Erickson and Gruger):

Authorizing waiver of fees for university or college employees taking courses thereat, but limited to space available basis.

Referred to Committee on Higher Education.

**HOUSE BILL NO. 351**, by Representatives Barr, Kreidler and Amen:

Increasing the maximum allowable agricultural commodity assessment on wheat.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 397, by Representatives O'Brien, Polk and Burns (by State Treasurer request):

Revising laws relating to state accounts and funds.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, by Committee on Local Government (originally sponsored by Representatives Hastings, Newhouse, Smith (Curt), Barr and Struthers):

Providing for fund disbursement by irrigation districts.

Referred to Committee on Agriculture.

HOUSE BILL NO. 455, by Representatives McGinnis and Rohrbach (by Insurance Commissioner request):

Eliminating laws regulating employee welfare trust funds.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 459, by Committee on Insurance (originally sponsored by Representatives Maxie, Rohrbach and McGinnis) (by Insurance Commissioner request):

Modifying the insurance laws.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 481, by Committee on Financial Institutions (originally sponsored by Representatives Chandler, Sommers, Thompson, Winsley, R. Smith, Amen, Owen, Blair, Polk, O'Brien, G. Nelson, Sherman, Grimm, Fancher, Eng, Bond, Heck, Mitchell, Tupper and Patterson):

Permitting certain persons and institutions to prepare documents relating to the sale of property.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 578, by Committee on Judiciary (originally sponsored by Representatives Knowles and Newhouse):

Revising the laws relating to court commissioners.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 588, by Representatives Rohrbach and Keller (by Insurance Commissioner request):

Authorizing issuance of certain limited licensees to sell insurance.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 602, by Representatives Rohrbach, Douthwaite, Dawson and Maxie:

Permitting reliance on a CPA's audit in an insurance examination.

Referred to Committee on Financial Institutions and Insurance.

## SECOND READING

SENATE BILL NO. 2255, by Senators Hansen, Gaspard, Day, Benitz and Wanamaker (by Department of Agriculture request):

Revising the laws relating to the control of pesticides.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 2255 was substituted for Senate Bill No. 2255 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 2255 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator Hansen, very recently in the Spokane area we found that the EPA was threatening to take over the control of the pesticides because a particular material was used and the label of it did not say that the material could be used for this particular seed type of crop. It was used for many major crops, but not minor crops. Will this bill help us in any way to keep the feds from coming in and saying that we can't use it on a minor crop?"

Senator Hansen: "Yes, there is some stipulation in the law that the pesticide applicators can go through and get the permission to use some of these that are not on the label for the minor crops."

Senator Guess: "Thank you very much, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2255, and the bill passed the Senate by the following vote: Yeas, 44, excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Day, Gallaghan, Keefe, Rasmussen, Shinpoch—5.

SUBSTITUTE SENATE BILL NO. 2255, having received the 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, Senate Bill No. 2256 will be considered following Senate Bill No. 2296.

On motion of Senator Walgren, Senate Bill No. 2257 will be considered following Senate Bill No. 2256.

SECOND READING

SENATE BILL NO. 2259, by Senators Day, Marsh, Talmadge, Hayner, Jones and Wanamaker:

Excluding certain professional organizations from the definition of "Insurer".

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2259 was advanced to third reading, the second 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. 2259, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Clarke—1.

Excused: Senators Gallagher, Keefe, Shinpoch—3.

SENATE BILL NO. 2258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2265, by Senators Hansen, Gaspard, Day, Benitz and Wanamaker (by Department of Agriculture request):

Revising laws relating to application of pesticides.

### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 2265 was substituted for Senate Bill No. 2265 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 2265 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2265, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Gallagher, Keefe, Shinpoch—3.

SUBSTITUTE SENATE BILL NO. 2265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2295, by Senators Scott, Shinpoch, Bluechel and Odegaard (by Legislative Budget Committee request):

Disestablishing certain obsolete state funds and accounts.

The bill was read the second time by sections.

On motion of Senator Scott, the rules were suspended, Senate Bill No. 2295 was advanced to third reading, the second 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. 2295, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Gallagher, Keefe, Shinpoch—3.

SENATE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Wilson, Senator Fleming was excused.

On motion of Senator Rasmussen, Senate Bill No. 2296 will be considered following Senate Bill No. 2321.

SECOND READING

SENATE BILL NO. 2256, by Senators Rasmussen, Newschwander and Moore (by State Finance Committee request):

Revising laws relating to investments and custody of state funds.

REPORT OF STANDING COMMITTEE

February 6, 1979.

SENATE BILL NO. 2256, revising laws relating to investments and custody of state funds (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

Beginning on page 6, line 35, after "law" strike all material down to and including "guaranteed" on page 7, line 3, and insert "~~((, insured by the federal deposit insurance corporation, and operating in this state. PROVIDED, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed))~~"

Signed by: Senators Rasmussen, Chairman; Shipoch, Vice Chairman; Gallagher, Gould, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the rules were suspended Engrossed Senate Bill No. 2256 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2256, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Gallagher, Keefe—3.

ENGROSSED SENATE BILL NO. 2256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2257, by Senators Clarke, Rasmussen and Bluechel (by Legislative Budget Committee request):

Relating to public printing.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Senate Bill No. 2257 was advanced to third reading, the second 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. 2257, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Lee—1.

Excused: Senators Fleming, Keefe—2.

SENATE BILL NO. 2257, having received the constitutional majority, 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. 2321, by Senators Peterson, Talley and Quigg:

Authorizing the department of game to retain fees charged for information materials published by the department.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 2321 was advanced to third reading, the second 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. 2321, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Fleming, Keefe—2.

SENATE BILL NO. 2321, having received the constitutional majority, 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. 2296, by Senators Scott, Shinpoch and Bluechel (by Legislative Budget Committee request):

Revising laws relating to veterans.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2296 was advanced to third reading, the second 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. 2296, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—47.

Voting nay: Senator Williams—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR JOURNAL ON  
SENATE BILL NO. 2296

My vote against this measure was based on an uncertainty in my mind at the time of the vote.

It has since been explained to my satisfaction, however the vote was announced and recorded before I was able to change my vote.

I am in support of the bill.

Signed by: Senator Al Williams.

SECOND READING

SENATE BILL NO. 2366, by Senators Van Hollebeke, Bluechel, Peterson and Jones:

Permitting change of harbor lines in front of Lake Forest Park.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 2366 was advanced to third reading, the second 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. 2366, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2366, having received the constitutional majority, 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. 2373, by Senator Woody:

Enumerating executive branch officials required to file personal financial disclosure reports.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2373 was substituted for Senate Bill No. 2373 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2373 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Moore, Talmadge—2.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2373, having received the constitutional majority, 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. 2186, by Senators Bottiger, Benitz and North:  
Regulating attachments to utility poles.

## REPORT OF STANDING COMMITTEE

February 5, 1979.

SENATE BILL NO. 2186, regulating attachments to utility poles (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 27, after "organized" and before "or" insert ",."

On page 2, beginning on line 20, strike all of section 4 and renumber the remaining sections consecutively

On page 2, line 32, strike all of renumbered section 5 and insert:

"NEW SECTION. Sec. 5. The commission shall adopt rules, regulations and procedures relative to the implementation of this act."

Signed by: Senator Bottiger, Chairman; Benitz, Hayner, Lewis, North, Wilson, Woody.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments to page 1 and page 2, beginning on line 20 were adopted.

On motion of Senator Bottiger, the committee amendment to page 2, line 32 was not adopted.

Senator North moved adoption of the following amendment:

On page 1, line 25, after "any" strike all the matter down to and including ". ." on line 29 and insert "regulated utility and any non-regulated utility.

(4) Regulated utility means any person or corporation regulated by the Utilities and Transportation Commission.

(5) Non-regulated utility means any person, corporation, or subdivision of state government, including but not limited to counties, municipalities, public utility districts, or any cooperatives, or associations which sell electricity to residential customers, not regulated by the Utilities and Transportation Commission."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator North.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 29; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Day, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Moore, North, Pullen, Scott, Talley, Wanamaker, Williams—18.

Voting nay: Senators Bausch, Bottiger, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Lysen, Marsh, Matson, McDermott, Morrison, Newschwander, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—29.

Absent or not voting: Senator Sellar—1.

Excused: Senator Keefe—1.

### MOTION

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

On page 2, line 20, insert:

"NEW SECTION. Sec. 4. A just and reasonable rate shall assure the utility the recovery of not less than all the additional costs of procuring and maintaining pole attachments, nor more than the actual capital and operating expenses, including just compensation, of the utility attributable to that portion of the pole, duct, or conduit used for the pole attachment, including a share of the required support and clearance space, in proportion to the space used for the pole attachment, as compared to all other uses made of the subject facilities, and uses which remain available to the owner or owners of the subject facilities."

Renumber remaining sections accordingly.

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

On page 2, following section 6, insert the following:

"NEW SECTION. Sec. 7. Notwithstanding any other provision of law, a utility as defined in section 1, subsection 3 of this act and any utility not regulated by the Utilities and Transportation Commission shall levy attachment rates which are uniform for all licensees within the utility service area."

Renumber the remaining section consecutively.

### MOTION FOR RECONSIDERATION

On motion of Senator Bottiger, the Senate moved to reconsider the vote by which the committee amendment to page 2, line 32 was not adopted.

On motion of Senator Bottiger, the committee amendment to page 2, line 32, on reconsideration, was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, there is nothing in this bill that gives the right of exclusive franchise to any particular cable company?"

Senator Bottiger: "No, Senator, not that I have known of or anybody has brought to my attention. I have read the bill carefully and I find nothing that says anything about franchises in it."

## POINT OF INQUIRY

Senator Peterson: "Senator Bottiger, is there anything in this measure, Senator, that would tend to increase the rates in rural areas? I know you are concerned and you have been speaking mostly to metropolitan areas. We have cable television in rural areas throughout the state, particularly in my district. Is this going in any way to increase their rates, or the rates that they are going to have to pay the utilities?"

Senator Bottiger: "It is obviously not the purpose of this bill to get into the rate that a cable television company would charge for its service. Any time we can provide some stability and a contract term with a right of appeal in the case of a private utility area, or at least the semblance of no unfair charges in a public utility area, we are going to help hold the cost of a cable television service down. The problem in a very rural area like you and I represent, is getting enough customers out there to make it worth running a line out at a price people could pay and the bill simply does not address that question."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2186, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Talley—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:35 a.m., on motion of Senator Walgren, the Senate recessed until 12:30 p.m.

## NOON SESSION

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

## MOTION

At 12:32 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 19, 1979.

SENATE BILL NO. 2032, modifying regulation of commercial driver training schools and instruction (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 2032 be substituted therefor, and that Substitute Senate Bill No. 2032 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2336, providing for resident care standards in nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2336 be substituted therefor, and that Substitute Senate Bill No. 2336 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

MOTION

On motion of Senator Walgren, the rules were suspended and Senate Bill No. 2336 was ordered placed at the end of the second reading calendar for Wednesday, February 21, 1979.

February 16, 1979

SENATE BILL NO. 2338, revising laws relating to nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Gould, Quigg, Talmadge, Vognild.

MOTION

On motion of Senator Walgren, the rules were suspended and Senate Bill No. 2338 was ordered placed at the end of the second reading calendar for Wednesday, February 21, 1979.

February 19, 1979

SENATE BILL NO. 2502, providing free license plates of a distinctive design for Medal of Honor winners (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Lee, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2616, authorizing persons under twenty-one years of age to be on the premises of liquor licensees for certain professional purposes (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2631, abolishing certain fees at community colleges for certain students seeking to finish their high school education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 20, 1979

SENATE BILL NO. 2721, creating the state general obligation bond retirement fund (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2721 be substituted therefor, and that Substitute Senate Bill No. 2721 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 2747, authorizing reopening for a six month period of rights to claim compensation under 1972 veterans' bonus act (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 2749, transferring Northern State Hospital from the department of general administration to the department of social and health services (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2749 be substituted therefor, and that Substitute Senate Bill No. 2749 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 2751, pertaining to pollution control facilities (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Goltz, Hansen, North, Scott.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2782, authorizing the sale of general obligation bonds for highway improvements (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2798, relating to employment agencies (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 2798 be substituted therefor, and that Substitute Senate Bill No. 2798 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 2830, relating to well water construction (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2830 be substituted therefor, and that Substitute Senate Bill No. 2830 do pass.

Signed by: Senators Williams, Chairman; Donohue, Goltz, Hansen.

Passed to Committee on Rules for second reading.

MESSAGE FROM JOINT COMMITTEE ON ECOLOGY

February 21, 1979.

TO: Washington State Senate  
 FROM: Senate Committee on Ecology  
 SUBJECT: Sunset Report on the Water Well Construction Operators Examining Board

In accordance with the Sunset Act of 1977, the Senate and House Ecology Committees, as committees of reference, have met jointly pertaining to the Water Well Construction Operators Examining Board.

After reviewing the recommendations of the Legislative Budget Committee and the Office of financial management, the Senate and House Ecology Committees have jointly concurred that chapter 18.104.090 RCW, relating to the Water Well Construction Operators Examining Board, should not be terminated.

Signed by: Senator Williams, Chairman; Donohue, Goltz, Hansen.

cc: Legislative Budget Committee  
 Office of Financial Management  
 Select Committee on Sunset

February 19, 1979

SENATE BILL NO. 2905, modifying the licensing of electricians (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2923, exempting veterans of the Vietnam conflict from increases in tuition and fees at institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 2925, transferring title to the Expo '74 site and facilities to the city of Spokane (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 3030, establishing procedures for legislative review of administrative rules (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3030 be substituted therefor, and that Substitute Senate Bill No. 3030 do pass.

Signed by: Senators Rasmussen; Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 3100, regulating vessels (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3100 be substituted therefor, and that Substitute Senate Bill No. 3100 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Guess, Hansen, Lee, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 3121, moving the time for filing the rule purpose statement from adoption to notice (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 3142, making various changes in the Administrative Procedure Act and in the State Register Act (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3142 be substituted therefor, and that Substitute Senate Bill No. 3142 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE JOINT RESOLUTION NO. 110, authorizing annual legislative sessions (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Joint Resolution No. 110 be substituted therefor, and that Substitute Senate Joint Resolution No. 110 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE JOINT RESOLUTION NO. 114, amending the Constitution to grant counties home-rule powers (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 114 be substituted therefor, and that Substitute Senate Joint Resolution No. 114 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS  
REPORTS OF STANDING COMMITTEES

February 19, 1979.

LARS HENNUM, to the position of member of the State Board of Pharmacy, appointed by the Governor on February 1, 1979 for the term ending January 17, 1983, succeeding James B. Mitchell (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

February 19, 1979.

DONALD K. ANDERSON, to the position of member of the Board of Trustees, Community College District No. 3, appointed by the Governor on February 5, 1979 for the term ending September 30, 1983, succeeding Ernest W. Conrad (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senator Goltz, Chairman; Benitz, Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 19, 1979.

ARTHUR M. ZOLOTH, to the position of member of the State Board of Pharmacy, appointed by the Governor on February 1, 1979 for the term ending January 17, 1983, succeeding Ted Taniguchi (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules.

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

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2602.

SECOND READING

SENATE BILL NO. 2602, by Senators Conner, Hansen, Bausch, Matson and Jones:

Authorizing licensed beer distributors to act as agents of manufacturers of distilled spirits.

REPORT OF STANDING COMMITTEE

February 14, 1979.

SENATE BILL NO. 2602, authorizing licensed beer distributors to act as agents of manufacturers of distilled spirits (reported by Committee on Commerce):

Recommendation: Do pass with the following amendment:

On page 2, line 15, strike "wholesaler" and insert: "importer or beer wholesaler or licensed wine or wine wholesaler"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendment was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2602 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 Van Hollebeke, on page one, line twenty-seven, 'no manufacturer or wholesaler or person otherwise dealing in distilled spirits shall be eligible or receive or hold a license as a wine importer or wine wholesaler, or beer importer'. Did the committee consider striking that section of the bill also to make it free trade?"

Senator Van Hollebeke: "They did not. The effect of the bill is to make it so that all the beer and wine wholesalers can deal in distilled spirits."

Senator Rasmussen: "Does this also allow a dealer in distilled spirits to become a beer wholesaler?"

Senator Van Hollebeke: "This does not effect that. Does not effect that area of law."

Senator Rasmussen: "Maybe you could explain a little bit, are you going only one way? I can't see why you restrict or you propose now to allow beer wholesalers to sell distilled spirits."

Senator Van Hollebeke: "That's right."

Senator Rasmussen: "But, you do not propose at present a person handling distilled spirits to sell beer wholesale?"

Senator Van Hollebeke: "Well, we are not changing that area of the law, is what I am saying. There was no request to do so. Nobody in the industry indicated any desire for a change in that area."

#### MOTION

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2602 was ordered held on the third reading calendar for Wednesday, February 21, 1979.

#### MOTION

On motion of Senator Wilson, Senator Donohue was excused.

#### MOTION

On motion of Senator Jones, Senator Newschwander was excused.

#### SECOND READING

SENATE BILL NO. 2310, by Senators Rasmussen, Day and Lewis (by State Treasurer request):

Authorizing state treasurer to make certain payments of wages and state funded benefits directly to financial institutions.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2310 was substituted for Senate Bill No. 2310 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2310 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2310, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Pullen—1.

Excused: Senators Donohue, Keefe, Newschwander—3.

SUBSTITUTE SENATE BILL NO. 2310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2306, by Senators Bausch and Clarke (by Department of Licensing request):

Establishing enforcement mechanisms under the franchise investment protection act.

## MOTIONS

On motion of Senator Bausch, Substitute Senate Bill No. 2306 was substituted for Senate Bill No. 2306 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bausch, the rules were suspended, Substitute Senate Bill No. 2306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2306, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Matson, Walgren—2.

Excused: Senators Donohue, Keefe, Newschwander—3.

SUBSTITUTE SENATE BILL NO. 2306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2376, by Senators Lewis, Gaspard and Guess:

Permitting transfers from a local improvement guarantee fund to a general fund of a city or town.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2376 was substituted for Senate Bill No. 2376 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2376, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Keefe, Newschwander—3.

SUBSTITUTE SENATE BILL NO. 2376, having received the constitutional majority, 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. 2385, by Senators Day and Moore:

Requiring funeral directors to divulge certain information to customers.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2385, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Morrison—1.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2398, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

Modifying procedures for the replacement of lost or destroyed state warrants.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2398, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Jones, Senator Wanamaker was excused.

SECOND READING

SENATE BILL NO. 2417, by Senators Gaspard, Hayner and Bottiger:

Adding certain procedures for imposing and enforcing restitutions to the victims of crimes.

REPORT OF STANDING COMMITTEE

February 9, 1979.

SENATE BILL NO. 2417, adding certain procedures for imposing and enforcing restitution to the victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15, after "less than" strike "six" and insert "three"

On page 3, line 16, after "than" strike "six" and insert "three"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were considered and adopted simultaneously.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2417 was advanced to third reading, the second 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. 2417, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2374, by Senators Odegaard, Donohue, Talley, Woody, Shinpoch, Van Hollebeke, McDermott, Wilson, von Reichbauer, Benitz, Sellar, Gallagher, North, Guess, Wanamaker, Lee, Peterson, Day, Moore, Marsh, Talmadge, Vognild, Bausch, Goltz, Williams, Scott, Quigg, Morrison, Lewis and Gaspard (by Executive request):

Revising the property tax treatment of retired owners.

### MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2374 was substituted for Senate Bill No. 2374 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2374 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Guess: "Senator Odegaard, does this also apply to those people who are living in mobile homes who have lost the identity?"

Senator Odegaard: "The mobile homes that are considered, as I understand it real estate does apply to, there is still some problem. I believe with those that are considered personal property and we have the constitutional amendment that was, I believe, placed on the green sheet this morning in the rules committee to take care of that problem, speaks to many of the mobile home owners who do not now qualify."

Senator Guess: "Thank you very much, Senator Odegaard."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2374, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechiel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Wanamaker—2.

SUBSTITUTE SENATE BILL NO. 2374, having received the constitutional majority, 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. 2492, by Senators Day, Marsh and Van Hollebeke: Requiring emergency teletypewriters to aid persons with hearing defects.

REPORT OF STANDING COMMITTEE

February 7, 1979.

SENATE BILL NO. 2492, requiring emergency teletypewriters to aid persons with hearing defects (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 22, after "device" insert "which is compatible with existing devices used"

On page 1, line 23, after "office" insert "or central dispatch office"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

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

POINT OF INQUIRY

Senator Rasmussen: "Senator Day, I am not very familiar with what you are proposing here, but would a person without a telephone be able to communicate with this teleprompter, or device?"

Senator Day: "He would not, because of course, what it is is a device that attaches to the telephone so that a person who normally cannot use a telephone because he can't hear, can communicate over those lines. Now, example, my daughter and my son-in-law are both deaf. They have a ten year old daughter that hears and they have a telephone and they have one of these devices. Now, the problem is that if the house is on fire they couldn't notify the fire department for the simple reason, unless they got the daughter up. Now, in some families they aren't as fortunate as we are, they have deaf parents and deaf children, so they not only don't have a telephone, or if they had one they couldn't use it.

"Now what this does, and I am speaking on the bill now to save us a minute later, what this does, it is a little device that fits on the phone which works something like a teletype and we have seen devices which both have readouts and printouts. My daughter has the old fashioned one that has a printout. She is fortunate. She has had hers for a long time. She can call another deaf person who has one of these devices and it comes printed out just about like a telegram. She types into it and it types out on the other end. This would be in the sheriff's department and in the fire departments or in a central communications system and they would have one of these and she could get up in the middle of the night and if there was a burglar or something was threatening them, she could teletype to the sheriff and the sheriff would know the address which she could give and that she was having a problem."

Senator Rasmussen: "Well, I am not opposed to the bill, Senator, I just wanted to know, can a person speak into the telephone and then have the printed message come out on the other end at the sheriff's office?"

Senator Day: "No. What would happen if you could speak into the telephone, the sheriff could listen on the other end. But, in this instance, what happens is the telephone fits on the device and then the teleprompter transmits the message over the phone and it is interpreted by the teleprompter on the other end in either a writeout or a readout."

Senator Rasmussen: "This solves part of the problem then."

Senator Day: "Yes."

Senator Rasmussen: "Thank you, Senator Day."

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2492 was advanced to third reading, the second 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. 2492, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Wilson, Senator Donohue was excused.

## SECOND READING

SENATE BILL NO. 2562, by Senators Lewis, Woody and Pullen:

Permitting filing of registration transfers at the polls.

The bill was read the second time by sections.

On motion of Senator Lewis, the rules were suspended, Senate Bill No. 2562 was advanced to third reading, the second 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. 2562, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Keefe, Wanamaker—3.

SENATE BILL NO. 2562, having received the constitutional majority, 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. 2580, by Senators Lysen, Morrison, Van Hollebeke, Quigg, Walgren, Rasmussen, Shinpoch, Gaspard and Woody:

Adjusting workers' compensation payments.

The bill was read the second time by sections.

On motion of Senator Lysen, the rules were suspended, Senate Bill No. 2580 was advanced to third reading, the second 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. 2580, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—43.

Voting nay: Senators Bluechel, Guess, Matson—3.

Excused: Senators Donohue, Keefe, Williams—3.

SENATE BILL NO. 2580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 2:40 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, February 21, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-FIFTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 21, 1979.

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 Keefe and Lysen. On motion of Senator Wilson, Senators Keefe and Lysen were excused.

The Color Guard, consisting of Pages Tami Frazier and Brent Calvin, presented the Colors. Reverend Paul McCann, pastor of United Churches of Olympia, offered the following prayer:

"CREATOR OF LIFE, SOURCE OF HOPE, AUTHOR OF LOVE; WE THANK YOU TODAY FOR INVESTING US, YOUR SONS AND DAUGHTERS, WITH RESPONSIBILITY FOR YOUR CREATION. WE ARE GLAD THAT WE ARE NOT SIMPLY PUPPETS ON A STRING, MANIPULATED BY SOME DIVINE WHIM: BUT PERSONS GIVEN MINDS AND WILLS WITH WHICH TO CHOOSE, AND TO CHOOSE RIGHTLY.

"WE ALSO THANK YOU, GOD OF LIFE, FOR THE TASKS WE FACE THIS DAY AS ELECTED REPRESENTATIVES OF THE PEOPLE OF THE STATE OF WASHINGTON. IN HEARINGS, COMMITTEE SESSIONS, CAUCUSES, AND ON THE FLOOR OF THIS BODY, WE ASK FOR YOUR GUIDANCE AND GRACE. KEEP US OPEN TO NEW AND INNOVATIVE SOLUTIONS TO OLD PROBLEMS; HELP US TO BLEND REALISM WITH CREATIVITY; CONVICTION WITH INTELLIGENT COMPROMISE.

"WORK IN AND THROUGH US THIS DAY, O GOD, TO THE END THAT YOUR KINGDOM MAY COME, AND YOUR WILL BE DONE. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 19, 1979.

SENATE BILL NO. 2197, regulating the milling of uranium and thorium (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill 2197 be substituted therefor, and that Substitute Senate Bill 2197 do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Lewis, North, Woody.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 2344, providing for supportive services to disabled persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2344 be substituted therefor, and that Substitute Senate Bill No. 2344 do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Rereferred to Committee on Ways and Means.

Rereferred to Committee on Ways and Means.

February 20, 1979

SENATE BILL NO. 2431, including port districts within collective bargaining laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 2495, establishing penalties for curfew violation by juveniles (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2495 be substituted therefor, and that Substitute Senate Bill No. 2495 do pass.

Signed by: Senators Marsh, Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 3026, placing habitual truancy within the juvenile justice act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 3063, relating to energy (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3063 be substituted therefor, and that Substitute Senate Bill No. 3063 do pass.

Signed by: Senators Bottiger, Chairman; North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

February 20, 1979

SENATE BILL NO. 3078, revising laws relating to juveniles (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3078 be substituted therefor, and that Substitute Senate Bill No. 3078 do pass.

Signed by: Senators Marsh, Chairman; Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 19, 1979

SENATE BILL NO. 3124, modifying the business and occupation tax (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3124 be substituted therefor, and that Substitute Senate Bill No. 3124 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 20, 1979.

Mr. President: The House has passed:

HOUSE BILL NO. 66,  
 SUBSTITUTE HOUSE BILL NO. 77,  
 SUBSTITUTE HOUSE BILL NO. 79,  
 SUBSTITUTE HOUSE BILL NO. 109,  
 HOUSE BILL NO. 114,  
 SUBSTITUTE HOUSE BILL NO. 131,  
 SUBSTITUTE HOUSE BILL NO. 133,  
 HOUSE BILL NO. 138,  
 HOUSE BILL NO. 141,  
 HOUSE BILL NO. 145,  
 HOUSE BILL NO. 155,  
 HOUSE BILL NO. 164,  
 HOUSE BILL NO. 167,  
 SUBSTITUTE HOUSE BILL NO. 177,  
 SUBSTITUTE HOUSE BILL NO. 219,  
 SUBSTITUTE HOUSE BILL NO. 247,  
 SUBSTITUTE HOUSE BILL NO. 259,  
 HOUSE BILL NO. 277,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 295,  
 ENGROSSED HOUSE BILL NO. 329,  
 ENGROSSED HOUSE BILL NO. 335,  
 SUBSTITUTE HOUSE BILL NO. 363,  
 ENGROSSED HOUSE BILL NO. 388,  
 SUBSTITUTE HOUSE BILL NO. 425, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 20, 1979.

Mr. President: The House has passed:  
 HOUSE BILL NO. 460,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 617,  
 SUBSTITUTE HOUSE BILL NO. 619,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 663,  
 HOUSE BILL NO. 691,  
 HOUSE BILL NO. 735,  
 HOUSE BILL NO. 788,  
 SUBSTITUTE HOUSE BILL NO. 803, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Walgren, House Bill No. 65 was ordered held on the desk of the Secretary of the Senate.  
 There being no objection, the Senate advanced to the eighth order of business.

#### MOTIONS

On motion of Senator Walgren, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2434.  
 On motion of Senator Walgren, Senate Bill No. 2434 was rereferred to the Committee on Rules.  
 There being no objection, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 66, by Representative Smith (Rick):

Correcting a mistake.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Local Government (originally sponsored by Representatives Charnley, Keller and Garrett):

Providing for the dissolution of inactive special purpose districts.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 79, by Committee on Local Government (originally sponsored by Representatives Charnley, Burns and Brekke):

Establishing procedures for disposing of surplus reading materials by libraries and school districts.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 109, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Sanders, Erak and Oliver) (by House Committee on Insurance of 45th Legislature request):

Regulating insurance policy cancellations.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 114, by Representatives Taller, Pruitt, Schmitt and Zimmerman:

Making persons handicapped by lung disease eligible to receive a handicapped driver's card.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 131, by Committee on Local Government (originally sponsored by Representatives Warnke and Owen):

Permitting the board to designate a treasurer in special purpose districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 133, by Committee on Local Government (originally sponsored by Representatives Warnke and Owen):

Modifying special purpose district contract and bid procedures.

Referred to Committee on Local Government.

HOUSE BILL NO. 138, by Representatives Martinis, Wilson and Bender (by Department of Licensing request):

Revising references to the powers and duties of the department of licensing.

Referred to Committee on Transportation.

HOUSE BILL NO. 141, by Representatives Bender, Burns and Charnley (by Department of Licensing request):

Clarifying the law on proportional registration.

Referred to Committee on Transportation.

HOUSE BILL NO. 145, by Representatives Wilson, Martinis and Burns (by Department of Licensing request):

Including "campers" within the unfair motor vehicle business practices act.

Referred to Committee on Transportation.

HOUSE BILL NO. 155, by Representatives Newhouse, Winsley and Knowles (by Department of Licensing request):

Repealing a provision of the financial responsibility law preventing discharge in bankruptcy.

Referred to Judiciary Committee.

HOUSE BILL NO. 164, by Representatives Wilson, Martinis and Burns (by Department of Licensing request):

Making technical corrections in motor vehicle licensing and registration laws.  
Referred to Committee on Transportation.

HOUSE BILL NO. 167, by Representatives Clayton, Walk and McCormick (by Department of Licensing request):

Deleting special weight permits from single cab cards.  
Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 177, by Committee on Natural Resources (Originally sponsored by Representatives Martinis, Wilson, Schmitt, Vrooman and Erak):

Modifying various provisions relating to salmon resources.  
Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 219, by Committee on Social and Health Services (originally sponsored by Representative Haley):

Eliminating basic science examination requirement for physicians, surgeons and osteopaths.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 247, by Committee on Agriculture (originally sponsored by Representatives Kreidler, Fancher, Erak and Clayton) (by Department of Agriculture request):

Revising laws relating to agricultural products.  
Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 259, by Committee on Social and Health Services (originally sponsored by Representatives Haley, Whiteside, Adams, Pruitt, Burns, Brekke, Lux, Blair, Chandler, Mitchell, Teutsch and Struthers):

Enacting the Controlled Substances Therapeutic Research Act.  
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 277, by Representatives Warnke, Walk, Addison and Williams:

Repealing regulation of comic books.  
Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 295, by Committee on State Government (originally sponsored by Representatives Polk, Owen and Dawson):

Authorizing National Guard assistance scholarships.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 329, by Representatives McCormick, Martinis and Wilson:

Permitting certain bus stop signs.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 335, by Representatives Nelson (G.A.), Martinis, Patterson, Becker and Sprague):

Authorizing new community college district and providing for transfer of property, records, and personnel thereto.

Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 363**, by Committee on Education (originally sponsored by Representatives Heck, Chandler, Ehlers, Nelson (G.A.), Hughes and Tupper):

Providing that school district inservice training task forces contain certificated classroom teachers.

Referred to Committee on Education.

**ENGROSSED HOUSE BILL NO. 388**, by Representatives Newhouse, Thompson, Erickson, Haley and Schmitten:

Revising law relating to medical malpractice.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 425**, by Committee on Judiciary (originally sponsored by Representatives R. Smith and Newhouse):

Permitting each county's superior court to authorize mandatory arbitration for civil actions less than ten thousand dollars.

Referred to Judiciary Committee.

**HOUSE BILL NO. 460**, by Representatives Vrooman, Schmitten, Martinis, Wilson, Adams and Fuller:

Regulating processing and transportation of specialized forest products.

Referred to Committee on Natural Resources.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 617**, by Committee on Agriculture (originally sponsored by Representatives Becker, Fancher, Sommers, Amen, Kreidler, Van Dyken, Charnley, Vrooman, Ehlers and Sherman):

Providing tax relief for farmlands.

referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 619**, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Adams, Whiteside and Addison):

Revising laws relating to prescribing drugs.

Referred to Committee on Social and Health Services.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 663**, by Committee on Education (originally sponsored by Representatives Bauer, Whiteside, Galloway, Chandler, Valle, Greengo, Scott, Addison and Lux) (by Superintendent of Public Instruction request):

Creating program of remediation assistance to public school students who are deficient in basic skills achievement.

Referred to Committee on Education.

**HOUSE BILL NO. 691**, by Representatives Patterson, Amen, Grimm and Erickson:

Authorizing exclusion of certain WSU extension service employees from state employees' insurance and health care plan.

Referred to Committee on Higher Education.

**HOUSE BILL NO. 735**, by Representatives Rohrbach and Douthwaite:

Modifying valuation and nonforfeiture provisions for insurance contracts.

Referred to Committee on Financial Institutions and Insurance.

**HOUSE BILL NO. 788**, by Representatives Winsley, Eng, Kreidler, Knowles, Newhouse and Blair:

Authorizing affiliated banks or trust companies to form common trust funds for investments.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 803**, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Hurley and Knowles) (by Department of General Administration request):

Permitting the supervisor of banking to establish guidelines for use of unissued shares of capital stock.

Referred to Committee on Financial Institutions and Insurance.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2032.

### SECOND READING

**SENATE BILL NO. 2032**, by Senators Rasmussen, Newschwander, Clarke and Conner (by Legislative Budget Committee request):

Modifying regulation of commercial driver training schools and instruction.

### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2032 was substituted for Senate Bill No. 2032 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2032, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

**SUBSTITUTE SENATE BILL NO. 2032**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

**SENATE BILL NO. 2830**, by Senator Williams:

Relating to well water construction.

### MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 2830 was substituted for Senate Bill No. 2830 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 2830 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Walgren, Substitute Senate Bill No. 2830 will be considered on third reading following Senate Bill No. 2106.

## SECOND READING

SENATE BILL NO. 3100, by Senator Henry:  
Regulating vessels.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 3100 was substituted for Senate Bill No. 3100 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 3100 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Clarke: "Senator Henry, the bill presently relates to any watercraft capable of carrying seven or more passengers. Now, there are, I think, numerous pleasure vessels which might be capable of carrying seven or more passengers for hire, but there is no intent on the part of the owner to ever use it for that purpose. I gather that this bill is not intended to apply to that type of vessel."

Senator Henry: "I understand your concern, Senator, and for the record and for the purpose of your question, it is not intended to be in that category."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3100, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 3100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2084, by Senator Conner:  
Exempting nonprofit youth organizations from the timber excise tax.

## REPORT OF STANDING COMMITTEE

February 15, 1979.

SENATE BILL NO. 2084, exempting nonprofit youth organizations from the timber excise tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6, after "RCW 82.04.291" insert "(as now or hereafter amended and/or recodified)"

On page 1, line 8, after "it," insert "where such lands are exempt from property taxes under RCW 84.36.030, and"

On page 1, line 17, strike "from taxes imposed by RCW 82.04.291"

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Fleming, Gaspard, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Scott, Sellar.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendments were considered and adopted simultaneously.

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 2084 was advanced to third reading, the second 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. 2084, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 10:45 a.m. on motion of Senator Walgren, the Senate recessed until 12:15 p.m.

### NOON SESSION

The President called the Senate to order at 12:15 p.m.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2798.

### SECOND READING

SENATE BILL NO. 2798, by Senator Van Hollebeke:  
Relating to employment agencies.

### MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2798 was substituted for Senate Bill No. 2798 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute Senate Bill No. 2798 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2798, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Bluechel—1.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2798, having received the constitutional majority, 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. 2106, by Senators Talmadge and Wojahn:

Modifying items of personal property exempt from execution and attachment.

## REPORT OF STANDING COMMITTEE

February 7, 1979.

SENATE BILL NO. 2106, modifying items of personal property exempt from execution and attachment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2, after "exceed" strike "one thousand"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2106 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2106, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 2830, by Committee on Ecology (originally sponsored by Senator Williams):

Relating to well water construction.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2830.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2830, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Wilson: "Mr. President, I should just like to remind the members of this body that this morning we have passed the first four sunset bills that have come to our attention. These entities were examined and it was found that there was a legitimate reason to continue their existence and the bills are on the way to the House. Later this session we will be considering further amendments to the sunset bill itself which will add into the sunset review process agencies and programs of far greater consequence than the minor entities we have been dealing with this morning.

"Each time we attempt to add entities into the sunset review process, certain proponents, in many cases, do their best to keep their favorite pet programs and agencies out of the review process. I am bringing all of this to your attention only to try to assure them and you also, to point out that I feel the legislature is dealing with the sunset obligations in a responsible manner. And, if those entities which deserve to be continued and are serving a worthwhile public purpose need have no fear that they will be put out of existence."

#### POINT OF INQUIRY

Senator Guess: "Senator Wilson, would you tell me how much it has cost us to remove from the statutory language of the state of Washington, the grist mill commission?"

Senator Wilson: "Senator Guess, I was absolutely certain you would arise to ask a question like this and the answer is, 'I don't know'. But, I do wish to point out that grist mills and these various small commissions we are dealing with today are the beginnings of the sunset process and they were held to a minor level so the legislature could become acquainted with how to make the sunset review process work. Now if you, Senator Guess, will support me and others in building far more major programs and agencies into the sunset review process when the bill comes up in state government there will be a considerable potential savings to the taxpayer."

Senator Guess: "I believe the appropriation was for one hundred ninety thousand dollars for this sunseting procedures and if the net results were to do away with only the grist mill commission and I can remember riding the old mule to the grist mill, and I don't think it had to take a state one hundred ninety thousand dollars to say that the grist mills didn't need anybody to regulate them. Can you figure out how much a commission now is going to cost us to sunset all these other commissions you are going to come up with?"

## MOTION

Senator Rasmussen moved that Senate Bill No. 2149 be rereferred to the Committee on Rules.

There being no objection, the motion by Senator Rasmussen was withdrawn.

## MOTION

On motion of Senator Rasmussen, Senate Bill No. 2149 will be considered on today's second reading calendar following Senate Bill No. 2299.

## MOTION

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

## MOTION

Senator Clarke moved that the Committee on Rules be relieved from further consideration of Senate Bill No. 2431 and the bill be rereferred to the Committee on Labor.

Debate ensued.

## MOTION

On motion of Senator Walgren, the motion by Senator Clarke will be considered under the proper order of business on Thursday, February 22, 1979.

## MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of Engrossed House Bill No. 295.

On motion of Senator Rasmussen, Engrossed House Bill No. 295 was rereferred to the Committee on Higher Education.

## MOTION

On motion of Senator Wilson, Senator Bausch was excused.

## MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

## REPORTS OF STANDING COMMITTEES

February 20, 1979.

SENATE BILL NO. 2029, limiting automobile insurers' ability to refuse to renew automobile insurance policies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

Passed to Committee on Rules for Second Reading.

February 21, 1979.

SENATE BILL NO. 2044, authorizing golfing organizations to conduct golfing calcuttas under the gambling laws (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 8, 1979.

SENATE BILL NO. 2125, establishing and regulating the occupation of denturism to perform work on dentures (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 19, 1979.

SENATE BILL NO. 2214, establishing a presidential preference primary (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2214 be substituted therefor, and that Substitute Senate Bill No. 2214 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Lewis, Marsh, Peterson.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2235, making January 15th a school holiday, Human Relations Day, being the anniversary of the birth of Martin Luther King, Jr. (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2241, providing for immunization of the children in this state (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2311, authorizing supervisor of savings and loan association to conditionally allow credit unions to exercise powers of federally chartered credit unions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2316, regulating real estate brokers and salespersons (reported by Committee on Commerce):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2316 be substituted therefor, and that Substitute Senate Bill No. 2316 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

February 15, 1979.

**SENATE BILL NO. 2391**, revising the formula for distribution of the fuel tax revenues to counties (reported by Committee on Transportation):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2391 be substituted therefor, and that Substitute Senate Bill No. 2391 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Guess, Hansen, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1979.

**SENATE BILL NO. 2475**, revising laws relating to homemaker services (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 21, 1979.

**SENATE BILL NO. 2482**, revising laws regulating business regulations (reported by Committee on Commerce):

**Recommendation:** That Substitute Senate Bill No. 2482 be substituted therefor, and that Substitute Senate Bill No. 2482 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 14, 1979.

**SENATE BILL NO. 2494**, granting the power of eminent domain to certain energy facilities (reported by Committee on Energy and Utilities):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2494 be substituted therefor, and that Substitute Senate Bill No. 2494 do pass.

February 20, 1979.

**SENATE BILL NO. 2507**, increasing the compensation of certain fire district commissioners (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Wilson, Chairman; Fleming, Moore, North, Talley.

Passed to Committee on Rules for second reading.

February 20, 1979.

**SUBSTITUTE SENATE BILL NO. 2517**, creating program of remediation assistance to public school students who are deficient in basic skills achievement (reported by Committee on Education):

**Recommendation:** That Substitute Senate Bill No. 2517 be substituted therefor, and that Substitute Senate Bill No. 2517 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1979.

**SENATE BILL NO. 2607**, regulating the provision of private security services (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 2607 be substituted therefor, and that Substitute Senate Bill No. 2607 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2608, providing for issuance of refunding bonds in exchange for outstanding Spokane River toll bridge revenue bonds held by certain retirement systems (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2608 be substituted therefor, and that Substitute Senate Bill No. 2608 do pass.

Signed by: Senators Henry, Chairman; Bluechel, Gallagher, Guess, Hansen, Peterson, Van Hollebeke, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2632, modifying the definition of "debenture company" (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2676, requiring the preparation, filing, and distribution of notice of the economic impact of proposed agency rule making (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2676 be substituted therefor, and that Substitute Senate Bill No. 2676 do pass.

Signed by: Senators Rasmussen, Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2682, modifying appeal and notice provisions of the state environmental policy act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Williams, Chairman; Goltz, Hansen, North, Scott.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2744, implementing law relating to state student financial aid program and making additional appropriation therefor (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 20, 1979.

SENATE BILL NO. 2750, revising laws relating to the department of social and health services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2764, revising the rate of interest on certain loans or transactions (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2768, changing the laws concerning runaway youths and families on conflict (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2768 be substituted therefor, and that Substitute Senate Bill No. 2768 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2849, providing funds for fire service training operations of commission for vocational education (reported by Committee on Higher Education):

Recommendation: Be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 20, 1979.

SENATE BILL NO. 2855, establishing penalties for unlawful use of preferential lanes (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2855 be substituted therefor, and that Substitute Senate Bill No. 2855 do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Hansen, Lee, von Reichbauer.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2858, seeking to make uniform the sections pertaining to selection and terms of boards of regents and trustees of certain institutions of higher education (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 2858 be substituted therefor, and that Substitute Senate Bill No. 2858 do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2901, changing the laws of service of process against an unauthorized insurer (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2908, revising laws relating to motor vehicle equipment (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bluechel, Gallagher, Hansen, Peterson, Van Hollebeke, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2926, requiring geoduck clam harvesters to meet safety standards (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen; Vognild.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2956, relating to transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2956 be substituted therefor, and that Substitute Senate Bill No. 2956 do pass.

Signed by: Senators Henry, Chairman; Conner, Gallagher, Hansen, Lee, Peterson, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2957, relating to transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2957 be substituted therefor, and that Substitute Senate Bill No. 2957 do pass.

Signed by: Senators Henry, Chairman; Bluechel, Gallagher, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 3011, eliminating the beaver tag requirement and increasing the trapper's license fee (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 3044, relating to moorage (reported by Committee on Commerce):

MAJORITY recommendation: That Substitute Senate Bill No. 3044 be substituted therefor, and that Substitute Senate Bill No. 3044 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 3065, relating to redistricting and reapportionment (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 3065 be substituted therefor, and that Substitute Senate Bill No. 3065 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 3092, revising directives on child welfare service (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 19, 1979.

SENATE BILL NO. 3118, revising state laws on elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3118 be substituted therefor, and that Substitute Senate Bill No. 3118 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Marsh, Peterson.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE JOINT MEMORIAL NO. 103, requesting the continued use of the Olympia postmark (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE JOINT RESOLUTION NO. 125, amending the Constitution (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Joint Resolution No. 125 be substituted therefor, and that Substitute Senate Joint Resolution No. 125 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 21, 1979.

HOUSE BILL NO. 126, making unlawful the commercial selling of term papers, theses, or other work assignments utilized for postsecondary education purposes (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 20, 1979.

ENGROSSED HOUSE BILL NO. 178, making available department of natural resources equipment personnel and services to certain landowners (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

February 20, 1979.

HOUSE BILL NO. 187, authorizing the department of natural resources to exchange surplus administrative land for certain purposes (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Quigg, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

February 20, 1979.

HOUSE BILL NO. 330, making unlawful the obtaining of game licenses by fraud (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen, Vognilid.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

February 21, 1979.

CHARLES D. KILBURY, to the position of member of the Board of Trustees, Community College District No. 19, appointed by the Governor on January 22, 1979 for the term ending September 30, 1983, succeeding Lyle D. Perrigo (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 21, 1979.

WILLIAM J. O'NEIL, to the position of member of the Board of Trustees, Community College District No. 21, appointed by the Governor on February 6, 1979 for the term ending September 30, 1983, succeeding James G. McKellar (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

February 21, 1979.

ALAN P. VANDEVERT, to the position of member of the Board of Trustees, Community College District No. 22, appointed by the Governor on January 16, 1979 for the term ending September 30, 1983, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, February 21, 1979.

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

Ladies and Gentlemen:

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

Mr. Aldo J. Benedetti, appointed April 23, 1979, for a term ending January 1, 1985, succeeding Mr. Elmer Huntley as a member of the Utilities and Transportation Commission.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Energy and Utilities.

## PRESIDENT'S PRIVILEGE

The President introduced former Senator Fred Redmon who was seated on the Senate rostrum. With permission of the Senate, business was suspended to permit Senator Redmon to address the Senate.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2602 on third reading.

## THIRD READING

ENGROSSED SENATE BILL NO. 2602, by Senators Conner, Hansen, Bausch, Matson and Jones:

Authorizing licensed beer distributors to act as agents of manufacturers of distilled spirits.

## MOTIONS

On motion of Senator Rasmussen, the rules were suspended and Engrossed Senate Bill No. 2602 was returned to second reading.

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

On page 2, line 19, after "(5)" strike the period and insert ", and nothing in this section shall prohibit an agent, representative or employee of a manufacturer of distilled spirits, if otherwise qualified, from being licensed as a beer or wine importer or wholesaler."

## MOTION FOR RECONSIDERATION

On motion of Senator Van Hollebeke, the Senate moved to reconsider the vote by which the committee amendment to page 2, line 15 was adopted on February 20, 1979.

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

Amend the committee amendment to page 2, line 15, as follows:

On line 2 of the amendment, after "licensed wine" insert "importer"

The committee amendment, as amended, on reconsideration was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2602 was advanced to third reading, the second 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. 2602, and the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 32; excused, 2.

Voting yea: Senators Bausch, Conner, Donohue, Hansen, Henry, Marsh, Matson, Morrison, Odegaard, Peterson, Shinpoch, von Reichbauer, Walgren, Williams, Wojahn—15.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Jones, Lee, Lewis, McDermott, Moore, Newschwander, North, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, Wanamaker, Wilson, Woody—32.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2602, 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, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2602 failed to pass the Senate.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newschwander moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2602 failed to pass the Senate.

## MOTION

Senator Walgren moved that the motion by Senator Newschwander be considered under the proper order of business on Thursday, February 22, 1979.

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

## POINT OF ORDER

Senator Pullen: "Several Senators were in violation of Rule 3."

## RULING BY PRESIDENT

President Cherberg: "Your point of order is well taken, Senator Pullen."

## PARLIAMENTARY INQUIRY

Senator Pullen: "Could you tell me what the proper time tomorrow would be?"

## REPLY BY THE PRESIDENT

President Cherberg: "Under normal procedure, Senator Pullen, the proper order of business would be presentation of petitions, memorials, resolutions, motion, but it is possible for the bill to come before the Senate in some other fashion, then it would be . . ."

## REMARKS BY SENATOR PULLEN

Senator Pullen: "Well, Mr. President, according to Rule 31, a motion to reconsider shall have precedence over every other motion except the motion to adjourn."

## REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator. However, Rule 31 also states that 'Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.' The President wishes to further point out that Senator Newschwander's motion actually would take a suspension of the rules thus a two-thirds vote, in case a demand for roll call was made."

The President declared the question before the Senate to be the motion by Senator Walgren that the motion by Senator Newschwander for immediate reconsideration of the vote by which Engrossed Senate Bill No. 2602 failed to pass the Senate be held for consideration under the proper order of business on Thursday, February 22, 1979.

ROLL CALL

The Secretary called the roll and the motion by Senator Walgren carried by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—32.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Newschwander, North, Scott, Sellar, Wanamaker—15.

Excused: Senators Keefe, Lysen—2.

MOTIONS

On motion of Senator Wilson, Senator von Reichbauer was excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2229.

SECOND READING

SENATE BILL NO. 2229, by Senators Walgren and Marsh:

Revising the criminal code.

The Senate resumed consideration of Senate Bill No. 2229. On Monday, February 19, 1979, the bill, was amended by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognild to page 4, following line 25. An amendment by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognild to page 5, following line 24 was moved for adoption. On motion of Senator Walgren at that time, the bill was rereferred to the Committee on Rules.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side on adoption of the amendment by Senator Pullen and others on February 19, 1979, Senator Marsh moved the Senate reconsider the vote by which that amendment was adopted.

Debate ensued.

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

The President declared the question before the Senate to be the motion for reconsideration by Senator Marsh to adoption of the amendment by Senator Pullen and others to page 4, following line 25.

ROLL CALL ON MOTION OF RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 22; nays, 23; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Conner, Donohue, Fleming, Gaspard, Goltz, Hansen, Marsh, McDermott, Moore, Odegaard, Peterson, Ridder, Shinpoch, Talmadge, Van Hollebeke, Walgren, Williams, Wojahn, Woody—22.

Voting nay: Senators Benitz, Clarke, Day, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Vognild, Wanamaker, Wilson—23.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Lysen, von Reichbauer—3.

## MOTION

Senator Pullen moved adoption of the following amendment by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognild:

On page 5, after line 24, insert the following:

"Sec. 10. Section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.020 are each amended to read as follows:

(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.

(3) Every person convicted of arson in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Re-number the remaining sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Marsh: "Mr. President, I raise the question of scope and object."

## RULING BY THE PRESIDENT

President Cherberg: "The President in ruling upon the point of order presented by Senator Marsh, finds that Senate Bill 2229 is a very broad bill bordering on being an omnibus bill dealing with revising the criminal code. Therefore, the President believes that the amendment proposed by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognild fits within the scope and object of the bill. The point of order by Senator Marsh is not well taken."

The amendment was ruled in order.

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

On motion of Senator Pullen, the following amendment by Senators Pullen, Day, Rasmussen, Sellar, Morrison, Conner, Guess and Vognild was adopted:

On page 5, after line 24, insert the following:

"Sec. 12. Section 9A.40.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.020 are each amended to read as follows:

(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.

(3) Every person convicted of kidnaping in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Day, Rasmussen, Guess, Sellar, Morrison, Conner and Vognild:

On page 7, after line 21, insert the following:

"Sec. 14. Section 9A.56.200, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.200 are each amended to read as follows:

(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.

(3) Every person convicted of robbery in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

### POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, what is the definition of a deadly weapon in RCW 9A?"

Senator Pullen: "A deadly weapon is a firearm, an explosive, or other device, such as a knife, an automobile which in the way that it is used constitutes a threat to human life."

Senator Talmadge: "Senator, is it not also something that appears to be a deadly weapon?"

Senator Pullen: "Not according to my recollection of the definition of RCW 9A that you are referring to."

Debate ensued.

Senator Bottiger moved adoption of the following amendments to the amendment by Senator Pullen and others:

Amend the amendment to page 7 as follows:

On page 1, lines 25 and 31 of the amendment, and lines 33 and 34, strike "three years" and insert "twenty-two months"

Amend the amendment to page 7 as follows:

On page 2, lines 2 and 9, strike "three years" and insert "twenty-two months"  
Debate ensued.

### POINT OF INQUIRY

Senator Van Hollebeke: "Senator Marsh, if with these mandatory sentences as passed in the previous amendments and the present one, what would happen if somebody was convicted of one of these crimes and, therefore, received the mandatory sentence which states that they must be confined to state correctional institutions for that length of time, what about if one of these persons was deemed to need psychiatric care or other mental assistance? How would that be treated? How would that person be treated?"

Senator Marsh: "Apparently that person would have to be treated within the facility."

Debate ensued.

The amendments by Senator Bottiger to the amendment by Senator Pullen and others were not adopted.

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

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

On page 2, line 28, strike "automatic" and insert "((**automatic**))"

On motion of Senator Pullen, the following amendments to the title were considered and adopted simultaneously:

On page 1, line 13 of the title, after "9A.16.030;" insert "amending section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010;"

On page 1, line 17 of the title, after "9A.36.030;" insert "amending section 9A.40.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.020;"

On page 1, line 17 of the title, after "9A.36.030;" insert "amending section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.020;"

On page 1, line 24 of the title, after "9A.56.060;" insert "amending section 9A.56.200, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.200;"

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2229 was advanced to third reading, the second 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. 2229, and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—38.

Voting nay: Senators Bottiger, Fleming, Goltz, McDermott, Moore, Ridder, Talmadge, Van Hollebeke, Williams—9.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2339.

## SECOND READING

SENATE BILL NO. 2339, by Senators Fleming, Jones, Ridder, McDermott, North, Day, Morrison and Lee (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

Requiring certification of nursing assistants in nursing homes.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 2339 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 Day, this requires fifty hours of instruction and what are they particularly, you are talking about now of the nurses' aides or are they just ordinary attendants?"

Senator Day: "That is correct, they are nurses' aides."

Senator Rasmussen: "At the present time they are not licensed?"

Senator Day: "No."

Senator Rasmussen: "Once they get this training, do they become licensed?"

Senator Day: "No, this does not license them."

Senator Rasmussen: "That is the next step?"

Senator Day: "No, they have two other levels of nurses: The licensed practical nurses and registered nurses. These are nurses' aides. These are people who have had no training, Senator, to this point necessarily."

Senator Rasmussen: "The complaint that I have heard from the nursing homes, and I do not know if this has been approved by the nursing homes' association at the present time, is that the legislature constantly upgrades, in fact we specified the minimum wage and I presume we will be specifying the minimum wage for this educated group now, but we do not provide the money and yet the demand is there that we bring them up to that level. Are the other bills that are following going to provide enough money so that they can pay this advanced wage?"

Senator Day: "It is my understanding that the bill demands that the department reimburse for the cost of this training. Also, the pay bill which has gone through ways and means will pay it, I believe, the ninety percentile level of state employees so they are going to get a substantial raise in their pay and so, yes, they are going to get paid more and, yes, the department is going to pay for the training through the legislature, that is correct. They are going to be authorized through the legislature, Senator Donohue reminds me, and that is correct."

Senator Rasmussen: "Thank you, Senator Day, we have high thoughts and I hope we follow with the money."

Senator Day: "One other thing that you queried me about and I failed to answer is that this is the one bill that I have had no objection to from the nursing home industry."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2339, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2339, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2336.

### SECOND READING

SENATE BILL NO. 2336, by Senators Fleming, Jones, McDermott, Morrison, Ridder, Day and North (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

Providing for resident care standards in nursing homes.

### MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2336 was substituted for Senate Bill No. 2336 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the following amendment by Senators Fleming and Jones was adopted:

On page 7, line 8, after "professional" insert "or agency"

Senator McDermott moved adoption of the following amendment by Senators Fleming and Jones:

On page 8, line 18 after "attendance" strike all the material down to and including "same" on line 20

### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, as I read that, you are striking the part that says, 'This section shall not prohibit a resident who is self-administering medication from keeping the same'. You don't spell out whether it is a prescription drug or not. This in effect would say that my relatives in a nursing home perfectly competent mentally to keep the bottle of aspirin, would say they may not keep that bottle of aspirin. Now, that is not a prescribed medicine—medication. But, you do not say that. You just merely say 'who is self-administering medication'. I think you should clarify that to a prescription drug of some sort."

Senator McDermott: "Well, the line above it, Senator Rasmussen, says 'all drugs shall be kept under lock and key, unless an authorized individual is in attendance'. What that says is that medications, drugs, things that are prescribed, have to be handled by authorized personnel in nursing homes who are responsible and this section does not speak to whether or not somebody has aspirin, anything that can be bought over the counter, I think the nursing home will have to deal with this on their own, but certainly as a public policy, which this law is, I do not think that we want to allow the nursing homes to have medication, that is prescribed medication, in the possession of various patients because one patient gets another patient's medication, or it gets mixed up or is not taken, and we left open the question of whether or not they want to have aspirin. That can be a nursing home's decision on their own."

Debate ensued.

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

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 11, line 18, after "RCW" strike all the material down to and including "disabled" on line 20

Debate ensued.

The motion by Senator Fleming carried and the amendment was adopted on a rising vote.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 14, line 23, after "(7)" strike all the material down to and including "be" on line 23 and insert "Be"

Debate ensued.

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

On motion of Senator Fleming, the following amendment by Senators Fleming and Jones was adopted:

On page 15, line 32, after "department" strike "shall" and insert "may"

### MOTIONS

On motion of Senator Wilson, Senator von Reichbauer was excused.

Senator Fleming moved adoption of the following amendment:

On page 16, line 22, after "dollars" strike "for such violations" and insert "for each violation"

Debate ensued.

### POINT OF ORDER

Senator Day: "I believe you are speaking on the next amendment, Senator McDermott. We are now on the amendment on such violations as being stricken, so that . . . ."

(No reply by President) Senator McDermott continues.

Further debate ensued.

The motion by Senator Fleming failed and the amendment was not adopted on a rising vote.

Senator Fleming moved the following amendments by Senators Fleming and Jones be considered and adopted simultaneously:

On page 16, line 26, after "(1)", strike "Repeatedly failed" and insert "Failed"

On page 17, line 1, after "(4)", strike "Repeatedly refused" and insert "Refused"

On page 17, line 5, after "(5)", strike "Repeatedly, wilfully" and insert "Wilfully"

On page 17, line 9, after "(6)", strike "Repeatedly, wilfully" and insert "Wilfully",

### POINT OF INQUIRY

Senator McDermott: "Senator Day, would you define 'repeatedly' for me, please?"

Senator Day: "Well, 'repeatedly' means if it happens more than once."

Senator McDermott: "Will you define 'wilfully' for me, please?"

Senator Day: "Well, 'wilfully' means that you intended to do it."

Senator McDermott: "Would that mean that . . . ."

Senator Day: "You did it with intent."

Senator McDermott: "So, if you hired an employee and did not supervise them properly and they administered medication wrongfully, that would not be something that you wilfully did, would it?"

Senator Day: "No, I do not think it would."

Further debate ensued.

The motion by Senator Fleming carried and the amendments were adopted.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 18, beginning on line 8 after "resident" strike all the material down to and including "1979" on line 14

Debate ensued.

The motion by Senator Fleming carried and the amendment was adopted on a rising vote.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 20, line 32, after "and", strike "~~((make recommendations with respect to))~~ approve" and insert "make recommendations with respect to"

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, on line 28 you specify, or line 27, 'the Advisory Nursing Home Council shall consult with the legislature and the department', but you are not striking that out. Your amendment is down below that. It is very hard for me to conceive that the Advisory Council consult with the whole legislature. You do not specify legislative committee, you say legislature, so if they have not contacted everyone of us in the House and Senate, it is questionable that they will have any validity. And, then where you are proposing to amend out there you are amending out the part that review and approve the rules."

Senator Fleming: "Okay, that is not my language, Senator Rasmussen, that is Senator Day's language, but we have this in black and white all over the place that certain bodies are consulting with the legislative branch of government and they might only consult with your committee, but they have consulted with somebody in the legislative branch. Like I said, that is not my language, but the thing I am trying to say as relates to Senator Day's arguments, it is not a question of here whether in fact you are going to have more or less confidence in the department, the question is that we are going to have some monitoring of this thing and that if you are going to have anybody approving which we still have the final say so if you are going to have anybody approve it you will probably have the legislature approve it and not a third body that we have no control over."

The motion by Senator Fleming carried and the amendment was adopted on a rising vote.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 21, line 23 after "(3)", insert

"~~((No later than January 1, 1978, all payments made to nursing homes by the department shall meet the reasonable cost of:~~

(a) Complying with the revised licensing standards:

(b) Complying with federal standards; and

(c) Meeting client needs:

~~as the reasonable costs are determined under federal regulations))"~~

Debate ensued.

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

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 14, line 10, after "facility" insert ", with the cooperation of the residents,"

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Senator Jones, there is a brand new nursing home going into the Cheney area without any patients whatsoever. This is a home that that department closed and all the people were scattered to the four winds and now they are going to be coming back. How is the nursing home administrator going to design the interior decor of the rooms in keeping of this?"

Senator Jones: "In fact they are not residents, Senator, is that right?"

Senator Guess: "That's right."

Senator Jones: "Then they won't have to be sought out, right? That answers your question."

Senator Guess: "When the patients move into the place are those rooms going to have to be redecorated according to the desires of the residents?"

Senator Jones: "Absolutely not."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Jones, what I would like to know is, with the cooperation of the residents, I have a number of people in my nursing home, they are flat on their back and they are out of this world most of the time."

Senator Jones: "They should be very cooperative, then, I would think."

Senator Rasmussen: "How would I get the cooperation of these people in how I would design the facilities if they probably didn't like it in the first place when they went there and it would seem to me that if the department would spell out what shall be the minimum requirements that then you might have something. But, to say I am going to go to Tacoma General Hospital and I am going to be a resident there and I have a right to ask them to design the room to suit my particular convenience and it just won't work. I don't know how you can do it. That is my question."

Senator Jones: "Naturally, we are only speaking of those people who are able and willing to cooperate, Senator Rasmussen."

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

There being no objection, on motion of Senator Fleming the amendment to page 14, line 26 on the desk of the Secretary of the Senate, was withdrawn.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Jones:

On page 15, line 9, after "to" strike "the effective date of the 1979 act" and insert "July 1, 1976 pursuant to RCW 70.92.110"

Debate ensued.

The motion by Senator Fleming failed and the amendment was not adopted on a rising vote.

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

On page 8, line 1, after "shall" strike the remainder of the subsection and insert "notify the physician that the medication will be stopped at a date certain unless the medication is ordered continued by the physician. The facility shall so notify the physician every thirty days."

There being no objection, on motion of Senator McDermott an amendment to page 16, line 18 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Day, the rules were suspended, Engrossed Substitute Senate Bill No. 2336 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2336, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Guess, Matson, McDermott, Newschwander, Pullen, Wanamaker—6.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2335, by Senators Fleming, Jones, Ridder, Morrison, Day, McDermott, North and Lee (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

Establishing a nursing home audit and cost reimbursement system.

## MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2335 was substituted for Senate Bill No. 2335 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the following amendments by Senators Fleming and Jones were adopted:

On page 6, line 18, after "activities" strike "coordinator" and insert "specialist"

On page 13, line 32, after "summarizing the" strike "adjustment" and insert "adjustments"

On page 34, line 20, insert a new subsection as follows:

"(5) Whenever a patient is assessed as requiring six hours or more of nursing care per patient day, the department shall reimburse for the full cost of nursing care, ancillary care and direct care supplies for such patient. Such costs shall be stated on a per patient day basis and added to the facility's nursing services rate as determined in subsection (4) of this section."

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 2335 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: "Senator Fleming, with regard to the audit section, there were some rumors or statements being made that the audit procedure as outlined in this particular bill do not conform to the audit requirements of the federal government and that by following the audit requirements in this bill that we stand to lose some federal dollars that would otherwise be available to us. I just wanted you to verify on the floor that this does, in fact, meet those federal requirements."

Senator Fleming: "Senator Goltz, there have been various rumors floating around here today and other days and quite naturally those people feel as though they are being infringed upon that have maybe more to gain if this measure does not

pass, have begun to start some of those rumors. We heard some of those rumors as to the kinds of things that HEW would not accept, we had our people touch base with HEW and they indicated in those areas of rumor, they have said that they have not made any informal or formal ruling on this and as we know unless something is in black and white and they don't have that, because we have not passed it, that they would not make a ruling on that. They also indicated that some of the other questions that were raised about (1) depreciation, (2) about the eighty-five percentile, they had indicated on those measures that (1) a couple of states are already involved in that process and they have never demanded that a state have a study as to the eighty-five percentile, and the regional director said that he would like to know who that individual is that is spreading those rumors from region ten because he is the head man and he doesn't know anything about that."

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, I want to congratulate you and your subcommittee on all of the work that they have done during the interim and I think that you have approached the problem in a fair minded basis. I have one or two questions. 'The department shall pay any amount it owes to the contractor as a result of the rate adjustment within thirty days after it notifies the contractor of the rate adjustment.' I am on page 39, line 17. My question would be this: in the event that the department does not pay the contractor within the thirty days, is there a penalty attached any place in this legislation? I cannot find it. I might say further that I know that the Governor has proposed and we have put a bill out of state government committee which would require one percent per month, but I do not see it in this bill."

(Senator Fleming deferred to Senator McDermott.)

Senator McDermott: "Mr. President, Senator Rasmussen, I think that bill which we have in state government committee would be welcomed by all the vendors of the state. There is nothing specifically in this bill, as there has never been in any bill, that anybody got paid within thirty days. If that was true, some of the departments would be broke paying the penalty and I think it would be good for us to move that out as a bill which affects all the vendors who receive money from the department of social and health services and I support you in the state government committee if you want to move that out."

Senator Rasmussen: "Senator McDermott, it is out. It is in rules and I was hoping it would be out on the floor as a consent bill. My question was related of course, but it does not say much if you don't say they are going to pay within thirty days and they don't do it. This is one of the complaints of the nursing homes that with their payroll they are thirty, sixty, ninety days behind and they have to go and borrow money at fourteen percent to meet their payroll, so there should be a penalty, but hopefully we can get the other bill passed.

"Then, the other one would be to Senator Fleming or Senator McDermott, whomever is capable of answering this. You provided for appeal but . . . I have lost that page, but I will find it. Well, it is immaterial, if the contractor has difference of opinion, you provided that they go to appeal with the department. Now this is a large department and spends a big sum of money. The revenue department used to settle appeals so you are appealing to the people who made the ruling in the first place, and it would appear to me in this bill that the contractor has to go to appeal to the people that he first is fighting their opinion on. They made the rule adjustment. We should have a separate appeals board separate from the department so these people may appeal to independent or unbiased people. After all if I tell you something, I am going to back it up, I am going to say, well your appeal is no good.

That is my question. I am not running down the work you did, because you have done a tremendous job and I appreciate it."

Further debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Fleming, there is one area that I am not satisfied yet, and that was explained properly awhile ago. Where the nursing home that has been in operation has a depreciation schedule because of death or some other reason is sold, goes into the hands of new operators, is it possible for a new depreciation schedule to be created under the new ownership?"

Senator Fleming: "Senator Guess, the theory behind this measure is that we hope that we are setting up and it is our intent to set up a system here, that (1) we are encouraging an industry whereas that we will encourage investment, we hope to discourage real estate speculation whereas if you are having a turnover, a rapid turnover of facilities in paperwork or whatever it is, to gain monetary gain on the property aspect of it.

"Under this measure nothing precludes a nursing home under the regular IRS system from depreciating as many times as they want to. Under this system, we think, as far as the amount of dollars that the state is willing to pay as an expense that we should not pay over the life of that facility more than once. Now, why? One is that we should not be in the business of promoting real estate speculation, dealing with one way or another how people are financing their operation. What we have done up to now under the present system is we have encouraged related party leases which no longer are there because of the feds. We have encouraged a rapid turnover in terms of leases. There have been eighteen leases in '78. We have one we looked at the other day value 1.5 million dollars, but the state is paying them two hundred sixty plus thousand dollars a year and within less than five years they will have the cost of that investment back and we will continue to pay them that kind of dollars for the next fifteen or twenty years, however long it is that they have that place. And, so we think that is wrong."

Senator Guess: "I would agree, Senator Fleming that it is wrong for them to pay that much. But, it is not possible for the legislature to repeal the inflation factor. We cannot stop inflation. A property is going to increase in value regardless of what we do. All right, in a legitimate honest to goodness transaction that is an arm's length transaction all the way through no fault of the existing owner, or a future owner, but what I am concerned about is, it is going to be a very vast disincentive for the maintenance of nursing homes if five years down the line when inflation has gone up at a rate of nine percent a year, property is worth fifty percent more, goes on the market and that person cannot depreciate that property at the then current value. He has got to use the 1979 values."

Senator Fleming: "Senator Guess, we are seventy-plus percent. Between seventy and eighty percent of that market. I think we are the market, the State of Washington, and I think we should like in any other area, have something to say since we are the principal purchaser of those services as to what that current level would be. Now you speak of inflation, our system is set up that if at any time we feel as though there is a lack of investment into the nursing home and it begins to fall down, then we have the ability to re-set the levelable rate of return that we are offering for those organizations to receive. We have that ability. We can come back into session any time to do that, and that is what we ought to do. We should not leave that up to the department and rules and regulations to do the kinds of things that they have done before.

"So, I think that we have that ability if, in fact we feel as though the market is going down, we can come back in and raise what we think is a reasonable rate of return to try to continue to attract capital.

"The second point of that is your statement seemed to go on the assumption that nothing is going to happen in the industry. We hope that if they are able to earn up to fifteen percent rate of return, or what have you, we would hope that those organizations that are involved in nursing homes would re-invest some of that money. And, if they re-invest those dollars then you do get a depreciation schedule on that remodeling or whatever it is. If you don't do anything in twenty years, you are not going to be meeting standards anyway. So, we think you have a concern there and you have a valid concern, but we think that we are in a position with this measure to deal with that. If, in fact, like anything else there are some problems, we can come back and correct those problems. We have asked at the least hearing we had in ways and means, one of the representatives of, a lobbyist for a nursing home organization . . . association, we had said if you think there are some problems we have run some checks on some of our figures and we feel as though things are going to be okay. But, if you think they are not, run some figures on some of those nursing homes that you think are going to run out of business and get back to us with those figures. We never heard from him."

Senator Guess: "Okay, the thing that caused my concern was page 27 and sub (4) in the middle of the page and you did fairly well explaining that to me. Now, earlier in debate, I understood you to say and you have just changed what I heard through my ear. I thought you said that profit allowed would be between one and five percent. You just mentioned the figure fifteen percent. Would you clarify it?"

Senator Fleming: "In a total rate of return are two different things. The rest of the bill has two sections. The bill has two areas that are dealing with the property. There is an allowance, the pool of dollars that are set up that would react to the average cost of money at any given time and from that, those dollars, you would get your finance dollars. There is also . . ."

Senator Guess: "Wait a minute. Are we going to loan the money?"

Senator Fleming: "No, no. A fund will be set up and it is based on a formula dealing with the hospital trust fund and you use a formula and you come out with the number of dollars that you have in this pool of money to pay finance allowances. Maybe that is a bad terminology, but you understand what I am saying. Then, you also have a pool of dollars and that is the one I talked about where you have got a pool of dollars over here, this is the profit so to speak, and within those dollars there is a variance not less than one percent, not more than five percent profit that one could make on efficiency, the efficient operating of their business. Quite naturally if you are not very efficient, then you are not going to make as much profit and so with that pool and the first pool, you would be looking at a total reasonable rate of return of about fifteen percent and that is the difference in what we were talking about. We were talking about profit versus total rate of return on your investment."

Senator Guess: "Thank you very much."

#### REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I would like to say one thing to Senator Guess. Those of us who worked on the committee, and I would like to give credit to the Republicans who worked long and hard also, we haven't mentioned Senator Jones who was the co-chairman and Senator Morrison and Senator North. We worked hard to try and develop bills that were balanced, that gave people a return on investment and we talked to one of the nursing home lobbyists who ran the figures with our consultant, Touche Ross, and on the three homes that we ran the costs on, or ran the profit on, none of them got less than fifteen percent. One got as much as thirty-eight percent, so if you get the operators quieted down a little bit and get them to sit down with their CPA, some of them may find out that it isn't such a bad bill. There has been a lot of concern about the bill, and what we would suggest is that people come and bring their figures. We would be glad to help them look at it

because it is not our intention to drive people out of the business, or take away the investment. We are going to need more nursing home beds as time goes on. And, I think when you have got the vote you are not supposed to give a speech so I will stop."

#### REMARKS BY SENATOR JONES

Senator Jones: "Yes, I would urge a positive vote on this measure. I will be brief. I think Senator McDermott said it. If you have the votes you had better get on with it. Bottom line dollar figure on this Senate Bill 2335, is 39.4 million dollars. That is additional funding that we are putting into this industry. That is an auditing requirement, nursing services, wages, food standard payments and return on investment and property changes. This is four million, sixteen million, six million and 13.4 million for a total of 39.4 million dollars. Those are today's dollars uninflated. They represent, I think, a very substantial commitment that we have made and, in answer to Senator Day, I am in agreement with him. It is about time we put our money where our mouth is, and I think that this is what Senate Bill 2335 does."

#### REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, members of the Senate, last Christmas we had a meeting in the Whatcom county area with some of the nursing home operators and nursing home patients and one of the things that the nursing home operators was asked was, 'How much more money would it take for you to have at least a successful operation?' And, the answer came back at least from one of the better nursing home operators, about fifteen hundred dollars per patient per year would be required to get that nursing home up to a sort of a break-even feeling for the year. And, so if you divide the number of dollars in this bill by the number of nursing home patients that the state is responsible for, you will find that instead of fifteen hundred dollars, we are talking in excess of two thousand dollars per patient per year to be added to the public charge nursing home patients. When I hear all of the kind of complaining that still occurs from this effort, I sometimes get the feeling that there just is not enough happiness to go around."

#### REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I am going to be very brief, I would be derelict because I might not get an opportunity to do this again. Senator McDermott started it and I would just like to say that we have worked long and hard on this measure. Senator McDermott, Senator Ridder, Senator Morrison, Senator North, Senator Jones, Senator Day, myself, Senator Buffington when she was on the select committee. I want to thank those individuals. Secondly, I want to thank the committee on social and health services under the chairmanship of Senator Day for the good, expedient job that he has done with an open mind on receiving these bills and in trying to perfect them. Secondly, also, I would like to thank Senator Donohue, the chairman of ways and means, to allow us to continue so there was a unison on the subcommittee to try and work with this measure. Lastly, but not least, I would like to thank the staff of ways and means, social and health services and those from the research center and the majority leader's office who spent a lot of long hours in trying to get a job done. I think well done.

"In closing, I think we have done a good job here. It has been a bi-partisan, Senator Jones has worked as hard as I have on that side of the aisle and I think that is why we are progressing the way we have. I hope that the House will take heed to that and do the same thing. This is above politics. This is one of the biggest problems that we have in this State at this point of time. If we can resolve this we can walk away feeling pretty good. I know that there has been moves with some of the

people that are against the measures to go into the House and maybe get what they want in terms of additional dollars and kill the property area and I think that that is irresponsible and I think we have a piece of legislation we can work with here. I hope that Senator Jones and other members of this body will join with me in going over to the House and trying to do whatever we can to try to show our philosophy in these bills and hope that we can come out of this legislature once and for all trying to resolve some of the nursing home industry problems. Thank you very much."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2335, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Matson, Morrison, Newschwander, Wanamaker—4.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Guess: "Mr. President, this is one of those times that I have changed my mind because of the very clear and lucid remarks made by Senator Fleming and I want to compliment him for the work he did. I was going to vote 'no'. I was convinced during debate that I should vote 'yes'."

SECOND READING

SENATE BILL NO. 2338, by Senators Fleming, Jones, North, McDermott, Ridder, Morrison and Day (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

Revising laws relating to nursing homes.

REPORT OF STANDING COMMITTEE

February 16, 1979.

SENATE BILL NO. 2338, revising laws relating to nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 22, after "attorney." insert "In all cases investigated by the department a report to the complainant shall be made by the department."

On page 4, line 28, after "subdivisions" insert ", and if such person is an employee of a nursing home it shall be an unfair practice under chapter 49.60 RCW for the employer to dismiss said employee for such activity"

On page 5, beginning on line 19, after "dollars" strike "per violation" and insert "((per violation))"

On page 6, beginning on line 16, after "final" strike the balance of the section and insert ": PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in RCW 18.51.260 or include in the report required pursuant to RCW

18.51.270 during any period in which it has not fully implemented and funded its cost related reimbursement system for public patients."

Signed by: Senators Day, Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to page 4, lines 22 and 28 were adopted.

On motion of Senator Day, the committee amendment to page 4, beginning on line 19 was not adopted.

Senator Day moved adoption of the committee amendment to page 6, beginning on line 16.

Senator McDermott moved that the committee amendment not be adopted.

The positive motion by Senator Day would be in order.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator McDermott, in the face of the lack of the department's adopting rules and regulations for four full years by your own words, how in heaven's name could you expect the nursing home operator to comply with rules and regulations if they are only in their mind and it hasn't been written? Now, if they haven't been paid to carry out those rules and regulations, are you going to let the department fine the nursing home operator for not carrying those things out?"

Senator McDermott: "I don't want there to be any question in the department's mind that we intend to force them to follow the law. At our committee hearings recently, well in fact in the 1977 session we passed a simple little law, House Bill 1189. House Bill 1189 said that the department should do one thing, among others, that is establish a uniform year of reporting for nursing homes. They then, members of the department, write letters to certain operators and say, 'well in your case we won't require that.' That is breaking the law and Secretary Thompson, when I asked him that question in our hearings said he intended to obey the law and I expect he is going to obey the law and I don't want there to be any question about whether he is going to do it, and put the money there. If he has to shift it from other places, that is fine. They shift it from all over the place in other issues and in this issue there can't be any question about whether they are going to fund the system the way we have talked about it."

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, it would appear to me that this amendment is reinstating, reinserting the old law that has been in effect for some time. Can you tell me what problems they have had with this in the old law?"

Senator McDermott: "Senator Rasmussen, you are looking at a law which was passed in 1975. The department never implemented it, they never even wrote the rules and regulations because they knew they weren't paying for what they were requiring of people. Now, we are putting together a system that is going to pay for what we require, and therefore, this is not a needed amendment and it gives the department a way around doing what we are requiring them to do. This amendment is really language that was put in in 1975 when we weren't certain. In fact, the whole reason for this nursing home select committee was to determine what the department was actually doing in this area. We worked for a year and a half and the Senate select committee took this language out. After this hearing it was a unanimous move, oh, I don't know if it was unanimous, but there was a large majority in our committee, and it is our intention to give a very clear message to put the burden of proof on the nursing home operator through the appeals process that he didn't get

money to do a particular thing, rather than to give the department any slack in terms of not writing rules and regs because they feel they are not fulfilling the law."

Further debate ensued.

### POINT OF INQUIRY

Senator Fleming: "Senator McDermott, we are talking about costs, fully funded, and all this. Could you share with the members on the floor information you have relating to the federal regs?"

Senator McDermott: "Yes. The federal rules and regs provide that the state shall pay for the reasonable cost. There is nothing that says, either in federal or state law that it shall be fully funded, and this amendment says fully funded and I am going to read you from the federal register of rules. 'It is appropriate to set a ceiling on reasonable cost related payment rates.' The Senate finance committee report at the same time it noted that some providers were being paid too little, also expressed concern that other providers were being paid too much. Moreover, many other specific provisions and much of the legislative history of public law 92.602 evidenced Congress great concern with the need to control the escalating cost of the medicaid program by encouraging efficiency in economy. Like the floor on acceptable payment rates the ceiling may not be arbitrary, but must be reasonable cost-related. Now when you put an amendment in like this, essentially what it is saying is, they will never assess a fine because there is no guarantee that there will ever be full funding of costs submitted. There will be full funding of reasonable costs. That is the distinction and that is why this amendment will absolutely wipe out the department's ability to discipline any operator who doesn't provide the care that we are paying the reasonable costs of."

Further debate ensued.

The motion by Senator Day carried and the committee amendment to page 6, beginning on line 16 was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2338 was advanced to third reading, the second 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. 2338, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Guess, Matson, McDermott, Newschwander, Pullen, Wanamaker—6.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2338, having received the constitutional majority, 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. 2337, by Senators Fleming, Jones, North, Morrison, Buffington, Ridder, Day, McDermott and Hayner (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

Revising laws relating to fraud in connection with medical care claims to the state.

The bill was read the second time by sections.

Senator Sellar moved adoption of the following amendment:

On page 2, line 27, after the period following "RCW" strike the last sentence of the subsection.

Debate ensued.

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

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

On page 4, line 11, after "investigation" strike the comma and insert a colon, and strike the remainder of the sentence down through "obtained;" on line 19, and insert the following:

"PROVIDED, HOWEVER, That no patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department of social and health services is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official purpose for which the records or information were obtained;"

Senator Sellar moved adoption of the following amendment:

On page 4, line 8, after the period following "chapter" strike the balance of the subsection.

Debate ensued.

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

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

On page 5, line 5, after "offender" strike "as"

Senator Sellar moved adoption of the following amendment:

On page 5, line 7, strike the semicolon and insert ": Provided, That any records, testimony or other evidence obtained pursuant to the provisions of this subsection shall not be admissible in any subsequent criminal action."

Debate ensued.

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

On motion of Senator Day, the rules were suspended, Engrossed Substitute Senate Bill No. 2337 was advanced to third reading, the second 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. 2337, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Matson, McDermott, Sellar—3.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**MOTION**

At 5:30 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Thursday, February 22, 1979.

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

## FORTY-SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, February 22, 1979.

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 Keefe, Lysen and Sellar. On motion of Senator Wilson, Senators Keefe and Lysen were excused.

The Color Guard, consisting of Pages Laura Kane and David Purbaugh, presented the Colors.

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 21, 1979.

SENATE BILL NO. 2012, increasing jury fees (reported by Judiciary Committee):

Recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2016, prescribing penalties for unauthorized parking in spaces reserved for physically disabled (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2016 be substituted therefor, and that Substitute Senate Bill No. 2016 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2020, providing for birth records of adopted children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2048, allowing local authorities to set certain speed limits (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Jones, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2108, revising laws on pilots of vessels (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2215, prohibiting theft, concealment, or injury to dogs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 19, 1979.

SENATE BILL NO. 2388, modifying the privilege fees on certain producers of food fish (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2388 be substituted therefor, and that Substitute Senate Bill No. 2388 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 2411, providing for payment by a local government of judgments against employees performing official duties (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2411 be substituted therefor, and that Substitute Senate Bill No. 2411 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North.

Passed to Committee on Rules for second reading.

February 22, 1979.

SENATE BILL NO. 2426, mandating school districts and educational service districts to buy their liability insurance through the risk management office in the department of general administration (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2467, penalizing the act of driving with a suspended or revoked out-of-state driver's license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Jones, Woody.

Passed to Committee on Rules for second reading.

February 19, 1979.

SENATE BILL NO. 2530, relating to on-site sewage systems (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2530 be substituted therefor, and that Substitute Senate Bill No. 2530 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 22, 1979.

SENATE BILL NO. 2684, requiring insurance premium studies (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 22, 1979.

SENATE BILL NO. 2709, relating to education (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2709 be substituted therefor, and that Substitute Senate Bill No. 2709 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2735, requiring radio communication equipment on trains (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2735 be substituted therefor, and that Substitute Senate Bill No. 2735 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2763, increasing the period for which judgments are effective and permitting revival of judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2778, permitting tonnage to be purchased on a monthly basis (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2778 be substituted therefor, and that Substitute Senate Bill No. 2778 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2790, relating to parks and recreation (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 2790 be substituted therefor, and that Substitute Senate Bill No. 2790 do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2860, redefining income from employment of a retired judge (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Jones, Woody.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2915, revising laws relating to convulsive treatment and medical malpractice (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE BILL NO. 2996, authorizing procurement of Heart Lake property for state park purposes (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 2996 be substituted therefor, and that Substitute Senate Bill No. 2996 do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 20, 1979.

SENATE BILL NO. 3022, establishing new procedures for local government disposition of found and unclaimed personal property (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3022 be substituted therefor, and that Substitute Senate Bill No. 3022 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North.

Passed to Committee on Rules for second reading.

February 22, 1979.

SENATE BILL NO. 3039, mandating school boards to adopt policy assuring parental access to classrooms and school sponsored activities (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 3039 be substituted therefor, and that Substitute Senate Bill No. 3039 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 21, 1979.

SENATE JOINT MEMORIAL NO. 104, memorializing the President and Congress to urge the extension of the German statute of limitations on Nazi war criminals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

February 21, 1979.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57,

SUBSTITUTE HOUSE BILL NO. 82,

HOUSE BILL NO. 140,

SUBSTITUTE HOUSE BILL NO. 156,

SUBSTITUTE HOUSE BILL NO. 195,  
 ENGROSSED HOUSE BILL NO. 238,  
 SUBSTITUTE HOUSE BILL NO. 248,  
 ENGROSSED HOUSE BILL NO. 305,  
 HOUSE BILL NO. 307,  
 ENGROSSED HOUSE BILL NO. 357,  
 ENGROSSED HOUSE BILL NO. 380,  
 SUBSTITUTE HOUSE BILL NO. 398,  
 HOUSE BILL NO. 415,  
 HOUSE BILL NO. 419,  
 HOUSE BILL NO. 431,  
 SUBSTITUTE HOUSE BILL NO. 436,  
 HOUSE BILL NO. 441,  
 SUBSTITUTE HOUSE BILL NO. 504,  
 SUBSTITUTE HOUSE BILL NO. 541,  
 SUBSTITUTE HOUSE BILL NO. 546,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 562,  
 HOUSE BILL NO. 576,  
 HOUSE BILL NO. 585,  
 ENGROSSED HOUSE BILL NO. 622,  
 HOUSE BILL NO. 625, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

February 21, 1979.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 636,  
 SUBSTITUTE HOUSE BILL NO. 697,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 729,  
 HOUSE BILL NO. 778,  
 ENGROSSED HOUSE BILL NO. 795,  
 HOUSE BILL NO. 806,  
 HOUSE BILL NO. 808,  
 HOUSE BILL NO. 836,  
 HOUSE BILL NO. 846,  
 HOUSE BILL NO. 847,  
 HOUSE BILL NO. 848,  
 HOUSE BILL NO. 849,  
 HOUSE BILL NO. 860,  
 HOUSE BILL NO. 874,  
 HOUSE BILL NO. 875,  
 HOUSE BILL NO. 952, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

FEBRUARY 21, 1979.

Mr. President: The House has adopted:  
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7,  
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 21, and the same are  
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2299.

### SECOND READING

SENATE BILL NO. 2299, by Senators Gaspard, Bottiger and Moore:  
Requiring railroads to provide first aid training for certain employees.

### MOTIONS

On motion of Senator Gaspard, Substitute Bill No. 2299 was substituted for Senate Bill No. 2299 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 2299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Lewis: "Senator Gaspard, I really recognize that this is a simple little bill, but why is this necessary for the legislature to mandate that a particular industry provide first aid training and if it is necessary for one, why isn't it much broader?"

Senator Gaspard: "Senator Lewis, the bill was changed substantially in the transportation committee. The reason that it was introduced is that many of the railroad industry are not providing first aid training for their employees. A number of employees work directly with the public and it was felt by many that they would like to have some training in the first aid that could better serve the employees."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2299 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Lee, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Bluechel, Hayner, Jones, Lewis—4.

Absent or not voting: Senators Matson, Sellar—2.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2149.

### SECOND READING

SENATE BILL NO. 2149, by Senators McDermott, Matson, Ridder and Talmadge:

Providing for bilingual instruction in the common schools.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2149 was substituted for Senate Bill No. 2149 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2149 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I just read something in the bill here that I was concerned with. It is an excellent piece of legislation, but I am wondering about 'school officials shall insure communication to parents emanating from the schools, shall be appropriately bilingual.'"

Senator McDermott: "Could you point out where you are?"

Senator Rasmussen: "I am on page 2, and I am just wondering with my young children in school what kind of communication they are going to give me in bilingual?"

Senator McDermott: "One of the problems with getting children involved in the educational process is involving their parents and if you send a note home to a parent who is essentially monolingual, for instance Spanish, and they get the note in English they don't know whether they are supposed to come to school or send fifty cents for milk, or whatever. So, what this is trying to do is to say that communications that will be sent home to the parent must be sent in the language that they understand, that the child is being taught. It is really to try and involve the parent at the level that the child is so that they can be helpful in the process."

Senator Rasmussen: "The other question, it was mentioned this will be a three-year program, but provides that in-service training for all teachers and further provides in section five the superintendent of public instruction shall prepare and submit biannually to the Governor and the legislature budget request. It sounds like a long time continuing program, rather than just a three-year shot."

Senator McDermott: "Well, you know America from the very earliest days has been accepting immigrants and I don't suppose that we are going to close the borders in 1979, so as long as we continue to take immigrants I suspect that there will be some need for this kind of thing to continue in our country, so I don't expect that the system will go away, but what we are trying to do is to limit the time that a child spends in a program. So, the emphasis is on bringing them up to speak English as quickly as possible, but not allowing the rest of their education to lag behind. If you make it purely to teach them English and don't begin teaching them basic concepts when they are competent in English, say in the third grade, they suddenly are three years behind their peers and have a difficult time at that point beginning to pick up because you have got them in first grade math, but they are old enough to be in third or fourth grade, so it is really an attempt to be teaching them basic concepts as they are learning English."

Senator Rasmussen: "Thank you, Senator McDermott."

Further debate ensued.

## MOTION

Senator Guess moved that Substitute Senate Bill No. 2149 be rereferred to the Committee on Ways and Means.

Debate ensued.

There being no objection, the motion by Senator Guess was withdrawn.

Further debate ensued.

## POINT OF INQUIRY

Senator Scott: "Senator McDermott, generally how many languages do we have presently in the State of Washington, and are we going to be able to get teachers to teach all of them, and how much is it going to cost us?"

Senator McDermott: "Well, it is a little bit hard to say the exact number, but I can give you sort of a ball park figure from Seattle. It is something in excess of fifty different languages they are dealing with there and I think probably the number of languages across the state would not be any more than that. The fiscal note provided by the superintendent of public instruction for the next biennium is 4.8 million dollars and the question you asked about the availability of teachers, it is one of the difficulties of this and we have left flexibility in the law so that it doesn't have to be certified people. It is very difficult some languages to find somebody who is certified as a teacher who is also bilingual, so that is hard to find somebody, for instance Senator Donohue's example of the Arabic speaker, but it is possible to find people who can give that kind of tutoring help. This does not say that a child whose primary language is Arabic, for instance, or Vietnamese following the Vietnamese war, a lot of Vietnamese came in. Many of them were skilled both in English and in Vietnamese because they had worked in Saigon with the American troupes. Some of them have been hired by the school districts to work as tutors for children who are making the transition into English. They are not certified people in the ordinary sense that we think of teachers and they come in and work a few hours a day to work with students to get them going in the English language. So, it is a problem, but it is one that can be handled reasonably well."

Further debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Senator McDermott, as I understand it these rules and regulations have already been adopted by the superintendent of public instruction's office, so I question why we need to pass a bill that costs money and takes time when we have a lot of other bills on the calendar and we have a cut-off today, why do we need a bill to do this when this is already in rule and regulation by the SPI, as I understand it. Now, maybe I am wrong?"

Senator McDermott: "In answer to Senator Odegaard's question, the rules and regulations have not been written by the SPI, and in fact the reason for this bill is to set the general guidelines that the state wants to have in the program. What has been written are the office of civil rights rules as a response to the federal suit in San Francisco and that is what we are sort of tentatively operating under. The bilingual programs presently are in the ERD program and have been on a competitive grant basis. They have not been under any control of the state, they have been whatever districts submitted as a bilingual program then the SPI might agree with it.

"What this bill tries to do is to set into law what we think is the basic policy of limiting the program to three years so this bill has a very important usefulness in that it states the policy that we want the SPI to use when he is administering this money rather than what has presently been going on in the past."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2149.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2149 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 Bottiger, Conner, Fleming, Gallagher, Gaspard, Goltz, Gould, Lee, Marsh, Matson, McDermott, Morrison, North, Odegaard, Ridder, Shipoch, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wojahn—22.

Voting nay: Senators Bausch, Benitz, Bluechel, Clarke, Day, Donohue, Guess, Hansen, Hayner, Jones, Lewis, Moore, Newschwander, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, von Reichbauer, Wanamaker, Wilson, Woody—24.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2149, having failed to receive the constitutional majority, was declared lost.

### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer served notice that he would, at the proper time, move for reconsideration of the vote by which Substitute Senate Bill No. 2149 failed to pass the Senate.

### SECOND READING

SENATE BILL NO. 2300, by Senators Van Hollebeke, Conner, Wanamaker, Quigg and Morrison:

Making certain changes in gambling act as respect bowling centers.

### MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2300 was substituted for Senate Bill No. 2300 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the following amendments by Senators Van Hollebeke, Lewis, Bottiger and Wojahn were adopted:

On page 14, line 33, after "thereto" and before the period insert:

": PROVIDED, That bowling centers or establishments shall not be authorized to conduct social card games".

On page 19, line 18 after "commission" and before ";" insert ": AND PROVIDED FURTHER, That bowling centers or establishments shall not be authorized to conduct social card games".

There being no objection, on motion of Senator Pullen, the two amendments on the Secretary of the Senate's desk by Senators Pullen, North, Lee and Hayner were withdrawn.

On motion of Senator Van Hollebeke, the following amendment was adopted:

On page 23, beginning on line 27, strike all of section 4, and renumber the remaining section consecutively.

On motion of Senator Van Hollebeke, the following amendment to the title was adopted:

On page 1, line 12 of the title, after "9.46.070;" insert "and", and on line 13, strike ": and declaring and emergency".

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute Senate Bill No. 2300 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Van Hollebeke, is it the intent of this bill to permit gambling in the bowling alleys without having it off in an enclosed room?"

Senator Van Hollebeke: "It is not the intent of this bill."

Senator Rasmussen: "Well, let's turn it around, then. Will this permit?"

Senator Van Hollebeke: "I am not certain. The gambling commission has told me I think that they can possibly be, these machines do not have to be in an enclosed room, but I am not certain. This is one thing I asked about and asked proprietors that I trust, apparently it is not a problem with having people who are not eligible to gamble, gamble. That would be one of my concerns, too, and I did ask about that. I don't remember whether it has to be in a separate room. I am just as interested in protecting anybody from these things that shouldn't be doing it as you are."

Further debate ensued.

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "In response, Mr. President, to Senator Rasmussen's question, I did ask the question in committee, Senator Rasmussen, and the other committee members may not have heard, but I did ask about it being in a separate room and the response was yes, that it would be because they have foos ball games and various games that you see in taverns or bars and they would be planned to be placed in a separate room because I was concerned about children inhabiting the area where these were to be displayed. Thank you."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2300 and the bill failed to pass the Senate by the following vote: Yeas, 26; nays, 21, excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Donohue, Fleming, Hansen, Henry, Jones, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Peterson, Quigg, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Lee, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Talmadge, Wilson, Wojahn—21.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2300, having failed to receive the constitutional sixty percent majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 2304, by Senators Hansen, Guess and Donohue (by Department of Licensing request):

Pertaining to taxation and regulation of special fuel.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 2304 was substituted for Senate Bill No. 2304 and the substitute bill was placed on second reading and read the second time in full.

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

On page 6, line 25, after "heating purposes;" insert "(7) moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle;"

On page 6, line 25, after "and strike "(7)" and insert "(8)".

On page 10, line 4, after "having" strike "all their vehicles licensed and registered in Washington as the base state" and insert "valid Washington vehicle license plates on all of their licensed vehicles"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 2304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### MOTION

Senator Walgren moved that Engrossed Substitute Senate Bill No. 2304 be rereferred to the Committee on Rules.

Debate ensued.

There being no objection, the motion by Senator Walgren was withdrawn.

#### MOTION

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2304 was placed at the end of the third reading calendar today.

#### SECOND READING

SENATE BILL NO. 2318, by Senators Rasmussen, Gould and Fleming (by State Treasurer request):

Revising laws relating to state accounts and funds.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2318 was rereferred to the Committee on Rules.

#### SECOND READING

SENATE BILL NO. 2372, by Senators Wilson and Lewis:

Providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary.

#### MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2372 was substituted for Senate Bill No. 2372 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2372 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2372, having received the constitutional majority, 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. 2423, by Senators Bausch and Jones:  
Modifying the application of insurance laws to title insurers.

REPORT OF STANDING COMMITTEE

February 15, 1979.

SENATE BILL NO. 2423, modifying the application of insurance laws to title insurance (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendment:

On page 1, line 16, after "the" insert "title".

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bausch, the committee amendment was adopted.

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 2423 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 Bausch, on page 4, line 31, you are declaring part of the plant is intangible. That would be, I presume, their files. How much is included in that intangible declaration? Once it becomes intangible it is not subject to tax, at least yet in Washington State."

Senator Bausch: "There are a lot of things concerned in there that really have nothing to do with title insurance. There is everything from T.V.s, to campers to various things that are listed that are charged for that really don't have anything to do with title insurance under the plant tax."

Senator Rasmussen: "We are not talking about that."

REMARKS BY SENATOR CLARKE

Senator Clarke: "If I may respond, the premium tax is in lieu of all other taxes except taxes on real and tangible personal property, which all companies continue to pay. In title insurance they have their indices which are the documents that they prepare in order to help them give these title policies and this does say that those indices are not regarded as tangible personal property. So, as to be taxed that way. In other words, that is in reality part of their business situation and not a tangible personal property that should be taxed. If that were not put in there, it was felt that the assessor might place some sort of a value on these indices that the title companies prepare and tax that as personal property. The intent was that that really was not personal property. It is a type of record that, of course title insurance is a unique type of insurance. Their records pertaining to title are in substance what they are selling."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Senator Bausch and Senator Clarke. That clears it up. The intent is only those records, not the files and things that they keep them in. Thank you."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2423 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2479, by Senator Bausch, Odegaard and Van Hollebeke (by Department of Commerce and Economic Development request):

Increasing amount of certain investments that banks may hold.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Senate Bill No. 2479 was advanced to third reading, the second 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. 2479 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2479, having received the constitutional majority, 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. 2518, by Senators McDermott, Matson and Gaspard (by Superintendent of Public Instruction request):

Implementing law relating to use of school plants for community activities and making an appropriation therefor.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2518 was substituted for Senate Bill No. 2518 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2518 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2518 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Benitz, Donohue, Hayner, Lewis, Pullen, Rasmussen—6.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2518, having received the constitutional majority, 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. 2569, by Senators Odegaard, Talley, Conner, Bausch, von Reichbauer and Wanamaker:

Establishing a reciprocal surcharge on overnight camping in state parks by residents of other states.

REPORT OF STANDING COMMITTEE

February 14, 1979.

SENATE BILL NO. 2569, establishing a reciprocal surcharge on overnight camping in state parks by residents of other states (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendments:

On page 1, line 13, after the period insert "No surcharge shall be levied against any person camping in facilities operated under lease agreement with any other governmental agency whose formal policy prohibits nonresident surcharges."

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

"NEW SECTION. Sec. 2. The provisions of this act shall expire on June 30, 1983."

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

The bill was read the second time by sections.

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

On motion of Senator Odegaard, the rules were suspended, Engrossed Senate Bill No. 2569 was advanced to third reading, the second 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. 2569 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2569, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2756, by Senators Guess and Hansen:

Exempting certain department of transportation records from public disclosure.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 2756 was advanced to third reading, the second 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. 2756 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Vogniid, von Reichbauer, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Bottiger, Donohue, Fleming, Gallagher, McDermott, Moore, Odegaard, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Williams, Wilson, Wojahn—15.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2756, having received the 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 seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 2304 on third reading.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2304 by Committee on Transportation (originally sponsored by Senators Hansen, Guess and Donohue (by Department of Licensing request)):

Pertaining to taxation and regulation of special fuel.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2304.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2304 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch,

Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Fleming, Williams—2.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2177.

### SECOND READING

SENATE BILL NO. 2177, by Senators Wilson, Walgren, North, Gallagher and Woody:

Permitting counties to set their own monetary limit for day labor on county roads.

### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2177 was substituted for Senate Bill No. 2177 and the substitute bill was placed on second reading and read the second time in full.

Senator Wilson moved the following amendments by Senators Wilson and Walgren be considered and adopted simultaneously:

On page 1, line 11, before "thousand" strike "thirty-five" and insert "fifty".

On page 1, line 22, before "thousand" strike "thirty-five" and insert "fifty".

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Wilson and Walgren to page 1, lines 11 and 22.

### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 17; nays, 30; excused, 2.

Voting yea: Senators Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, North, Odegaard, Rasmussen, Ridder, Sellar, Shinpoch, Vognild, Walgren, Wanamaker, Wilson, Woody—17.

Voting nay: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Peterson, Pullen, Quigg, Scott, Talley, Talmadge, Van Hollebeke, von Reichbauer, Williams, Wojahn—30.

Excused: Senators Keefe, Lysen—2.

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

On page 1, line 11, strike "thirty-five" and insert "forty".

On page 1, line 22, strike "thirty-five" and insert "forty".

On page 2, line 23, strike "thirty-five thousand dollars" and insert "forty thousand dollars".

Debate ensued.

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

The President declared the question before the Senate to be the amendments by Senator Talley to page 1, lines 11 and 22 and to page 2, line 23.

## ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 24; nays, 21; absent or not voting 2; excused, 2.

Voting yea: Senators Bausch, Donohue, Gaspard, Goltz, Hansen, Henry, McDermott, Moore, North, Odegaard, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Williams, Wilson, Woody—24.

Voting nay: Senators Benitz, Bluechel, Clarke, Conner, Day, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, Peterson, Quigg, Van Hollebeke, Wanamaker, Wojahn—21.

Absent or not voting: Senators Bottiger, Fleming—2.

Excused: Senators Keefe, Lysen—2.

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2177 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2177 and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—37.

Voting nay: Senators Bluechel, Clarke, Donohue, Guess, Jones, Lee, Lewis, Matson, Newschwander—9.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2161, by Senators Wilson, Walgren, Lewis, North, Gaspard, Gallagher and Vognild:

Revising the limitations and procedures for cities and towns to administer small public works projects.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2161 was substituted for Senate Bill No. 2161 and the substitute bill was placed on second reading and read the second time in full.

Senator Wilson moved the following amendments by Senators Wilson and Walgren be considered and adopted simultaneously:

On page 1, line 17, after "~~((ten))~~" and before "thousand", strike "fifteen" and insert "twenty".

On page 2, line 23, after "~~((ten))~~" and before "thousand", strike "fifteen" and insert "twenty".

Debate ensued.

The motion by Senator Wilson failed and the amendments were not adopted on a rising vote.

Senator Wilson moved the following amendments by Senators Wilson and Walgren be considered and adopted simultaneously:

On page 3, line 14, after "~~((five))~~" and before "dollars", strike "twelve thousand five hundred" and insert "fifteen thousand".

On page 3, lines 16-17, after "~~((five))~~" and before "dollars", strike "twelve thousand five hundred" and insert "fifteen thousand".

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendments by Senators Wilson and Walgren to page 3, line 14 and lines 16-17.

### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, McDermott, Moore, North, Odegaard, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, Peterson, Quigg, Scott, Van Hollebeke, Wojahn—19.

Excused: Senators Keefe, Lysen—2.

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

On page 5, line 9, after "call for bids", insert the following material:

" : PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof".

There being no objection, the amendment by Senators Wilson and Walgren to page 6, line 7 was withdrawn.

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

On page 6, line 13-14, after "exceed" and before "dollars", strike "nine thousand three hundred seventy-five" and insert "eleven thousand two hundred fifty".

### POINT OF INQUIRY

Senator Talley: "Senator Wilson, this bill now clarifies a first class code city and a first class city receive the same treatment, right?"

Senator Wilson: "Yes, with respect to code cities there is a dividing point of twenty thousand in population and those above the first class city requirements apply and those below the second and third and fourth class city requirements apply."

Senator Talley: "The first class code city and the first class cities are the same now."

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2161 was advanced to third reading, the second 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. 2161 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Bluechel, Guess, Matson, Newschwander—4.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT RESOLUTION NO. 109, by Senators Fleming, Scott, Van Hollebeke, Gould, Talmadge, Lee, Bottiger, Moore, Wojahn and Ridder:

Ratifying a proposed amendment to the U. S. Constitution providing for representation of the District of Columbia in the Congress.

The resolution was read the second time in full.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Rasmussen, Lewis, Hayner and Woody:

On page 2, line 8 after "Washington" insert:

": PROVIDED, That if this proposed constitutional amendment has not been ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission, then this ratification shall be deemed null and void, and if the Congress of the United States acts to extend the time period during which the ratification procedure may take place, the Washington State Legislature shall not be counted among those state legislatures deemed to have ratified this proposed constitutional amendment".

Debate ensued.

Senator Rasmussen moved adoption of the following amendment to the amendment by Senators Pullen and others:

Amend the Pullen amendment to page 2, line 8 as follows: After "amendment" on the last line of the Pullen amendment and before the period insert ": PROVIDED FURTHER, That any succeeding legislature will leave the right to repeal this constitutional amendment within seven years".

## POINT OF INQUIRY

Senator Van Hollebeke: "Senator Bottiger, this is not to argue the point, but it is just for my information. Is that actually stated in the Constitution that they must be identical and do you know where it is?"

Senator Bottiger: "Offhand, off the top of my head, it is pretty common knowledge."

Senator Van Hollebeke: "You don't have to insult my intelligence, I just asked you."

Senator Bottiger: "It is pretty well the understanding of everybody. We had this in the REA debates where we tried to add a couple of words and at that time I was on the other side and I made eloquent speeches about how we could fix a memorial and make it sound better, but they caught me, we had Gissberg and Durkan and those people, they exposed me for what I was trying to do."

Senator Van Hollebeke: "If they do have to be identical, I will definitely vote against the amendment. But, I would like to know where it is. About the common knowledge part, I don't agree with you."

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment to the amendment by Senator Pullen and others was not adopted.

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

On motion of Senator Fleming, the rules were suspended, Senate Joint Resolution No. 109 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, on page 1 of the bill, line 29, 'the twenty-third Article of amendment to the Constitution of the United States is hereby repealed.' Could you tell me why they would repeal that very important amendment?"

Senator Fleming: "No, I cannot tell you why. Since you are looking at the amendment, maybe you can tell us why, I can't tell you why."

Senator Rasmussen: "Well, there are a lot of things sneak into the legislation that you have to ask questions about to see what their purpose was and I thought you knew what the intent was. Thank you Senator Fleming."

"That 23rd Amendment provides for combined city and county. The legislature shall by general law provide for the formation of combined city and county and at this time of consolidation when we are thinking of that, I can't understand why they would repeal this very important amendment. We have Dade County, I think King County and the City of Seattle are thinking along those lines and many other communities are. This would repeal outright that provision. But aside from that, Mr. President and members of the Senate, listening to the arguments, you answered me Senator Fleming, you can wait now until I get through."

Senator Fleming: "I think you are looking at the wrong Constitution, that is the State Constitution."

Senator Rasmussen: "That is entirely possible. However, it doesn't forego the rest of my speech, Senator Fleming. I wanted to know how closely you had read this. Mr. President, may I have the floor?"

### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 109 and the resolution passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Fleming, Gaspard, Goltz, Gould, Hansen, Henry, Lee, Marsh, McDermott, Moore, Odegaard, Ridder, Scott, Shinpoch, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wilson, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Donohue, Gallagher, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Rasmussen, Sellar, Talley, von Reichbauer, Wanamaker—22.

Excused: Senators Keefe, Lysen—2.

SENATE JOINT RESOLUTION NO. 109, having received the constitutional majority, was declared passed.

### MOTION

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

## MOTION FOR RECONSIDERATION

Having served prior notice, the Senate commenced consideration of the motion by Senator von Reichbauer to reconsider the vote by which Substitute Senate Bill No. 2149 failed to pass the Senate.

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

## MOTION

Senator Walgren moved the roll call on the motion for reconsideration be made a special order of business immediately following the noon recess.

## PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, under the rules we adopted which allow that the vote does not have to be announced at once, can intervening business take place before that vote is announced and can further debate take place?"

President Cherberg: "Would you please repeat your statement, Senator?"

Senator Bluechel: "Under our rules which allow that the gavel literally does not fall, in other words the vote does not have to be announced, can intervening business take place once that vote has been called for such as this when it has been called for, and can . . . what is the procedure because we have encountered this before?"

## REPLY BY THE PRESIDENT

President Cherberg: "Senator Bluechel, the vote has not been announced in a sense that the gavel has not been struck."

## PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, what can take place after the vote is called for, but not announced? What type of parliamentary procedure or action can take place?"

## REPLY BY THE PRESIDENT

President Cherberg: "Almost any type of business that is in line with the order of business upon which the members have settled."

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Further ampliations, Mr. President, it seems to me there has been a demand for the roll call and we haven't started the roll call and there has not been any vote on the measure yet."

## REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is a motion by Senator Walgren that the motion to reconsider be a made a special order of business immediately following lunch. If there are no objections, it is so ordered."

## MOTION

The Senate resumed consideration of the motion by Senator Clarke on February 21, 1979 moving that Senate Bill No. 2431 be returned from the Committee on Rules to the Committee on Labor.

Debate ensued.

The motion by Senator Clarke carried. Senate Bill No. 2431 was returned to the Committee on Labor.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge moved the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 2300 failed to pass the Senate.

MOTION

On motion of Senator Walgren, the motion for reconsideration by Senator Talmadge was made a special order of business after the noon recess.

MOTION

At 1:00 p.m., on motion of Senator Walgren, 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 Walgren, the Senate returned to sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2343.

SECOND READING

SENATE BILL NO. 2343, by Senators Henry, Wanamaker and Peterson:

Authorizing truck semitrailers to pull a second trailer.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2343 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talley: "Senator Wanamaker, when these go down the road seventy miles an hour, they won't throw any more spray than what we have on the road now?"

Senator Wanamaker: They will not. There is no difference in length or width than what we are using now."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2343 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2406.

### SECOND READING

SENATE BILL NO. 2406, by Senators Wojahn, Ridder, Rasmussen, Goltz, Gould, Day, Lee, North and McDermott:

Establishing a pilot project for displaced homemakers.

### REPORT OF STANDING COMMITTEE

February 9, 1979.

SENATE BILL NO. 2406, establishing a pilot project for displaced homemakers (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10, after "displaced" strike "in their middle years".

On page 1, line 29, after "training" and before the comma, insert "opportunities".

On page 2, line 14, after "for" strike "ten or more".

On page 2, line 30, after "private" strike "nonprofit".

On page 2, line 34, after "private" strike "non profit".

On page 4, line 29, after "private" strike "nonprofit".

On page 5, line 13, after "commission" strike "on" and insert "for".

On page 6, line 32, after "Title" strike "28C" and insert "28B".

On page 1, line 2 of the title, after "Title" strike "28C" and insert "28B".

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment to page 1, line 10.

Debate ensued.

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

On motion of Senator Day, the committee amendment to page 1, line 29 was adopted.

Senator Day moved adoption of the committee amendment to page 2, line 14.

Debate ensued.

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

Senator Day moved the committee amendments to page 2, lines 14, 30 and 34; page 4, line 29 be considered and adopted simultaneously.

Debate ensued.

The motion by Senator Day failed and the amendments were not adopted.

On motion of Senator Wojahn, the committee amendment to page 5, line 13 was adopted.

On motion of Senator Day, the committee amendment to page 6, line 32 was adopted.

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

On page 1, line 27 after "the", strike "council for postsecondary education" and insert: "commission for vocational education".

On page 2, line 5 after "(1)" strike "Council" means the council for postsecondary education" and insert: "Commission" means the commission for vocational education".

On page 2, line 26 after "the" strike "council" and insert: "commission".

On page 2, line 33 after "the" strike "council" and insert: "commission".

On page 3, line 1 after "the" strike "council" and insert: "commission".

On page 3, line 5 after "the" strike "council" and insert: "commission".

On page 3, line 7 after "the" strike "council" and insert "commission".

On page 4, line 16 after "the" strike "council" and insert: "commission".

On page 4, line 21 after "the" strike "council" and insert: "commission".

On page 4, line 28 after "The" strike "council" and insert: "commission".

On page 5, line 5 after "The" strike "council" and insert: "commission".

On page 5, line 13 after "the" strike "commission on vocational education" and insert: "council for postsecondary education".

On page 5, line 10 after "The" strike "council" and insert: "commission".

On page 5, line 17 after "the" strike "council" and insert: "commission".

On page 5, line 21 after "The" strike "council" and insert: "commission".

On page 5, line 35 after "The" strike "council" and insert: "commission".

On page 6, line 3 after "the" strike "council" and insert: "commission".

On page 6, line 6 after "the" strike "council" and insert: "commission".

On page 6, line 25 strike "council for postsecondary education" and insert: "commission for vocational education".

On page 6, line 29 after "the" strike "council" and insert: "commission".

Debate ensued.

The motion by Senator Benitz failed and the amendments were not adopted.

On motion of Senator Wojahn, the following amendment by Senators Wojahn and Donohue was adopted:

On page 6, beginning on line 24, strike all of section 14.

Renumber the remaining section consecutively.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the following amendment by Senators Wojahn and Donohue to the title was adopted:

On page 1, line 1 of the title, after "homemakers;" insert "and", and on line 2 of the title, after "RCW;" strike "and making an appropriation".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2406 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 Wojahn, we are working on this together as sponsors and it is needed legislation, but my concern is if you would look on page 2, and I don't know if this is the section Senator Day proposed to amend or not, but I am concerned with page 2, line 15, where a displaced homemaker means an individual who has worked in the home for ten or more years providing unsalaried household services for family members. True, that the wives of course, or the spouses where they are staying home do not get rewarded properly, but my concern is with this tight a definition Washington state being a community property state, if this would eliminate those people who you specified unsalaried.

"Now, if a person earns twenty thousand dollars a year it is assumed that ten thousand dollars of that is the wife's. What I am asking you to do is to check this, I think it is too tight a definition and it may by reason of its very tightness eliminate some of those people that should get these services and do need the services."

Senator Wojahn: "I don't believe I understand your question. The definition is dealing with a displaced homemaker in which the wage earner in the family is gone, either because of divorce or death."

Senator Rasmussen: "My concern is you specify 'is unsalaried.' How do you prove that it is unsalaried? What you are trying to cover is the people who need this extra job assistance, but you have tied it down very tightly with your unsalaried definition."

Senator Wojahn: "We are talking about as far as benefits are concerned for future support after the death of a spouse. If they are unsalaried they have not gained any unemployment credits with the department of employment security, they have no W-2 form that credits them with social security on their own if they have been married less than ten years, Senator Rasmussen, they cannot get social security, that is a threshold amount with social security and if they have been married ten or more years, once they reach sixty-two, or the threshold, they could get a portion of their husband's social security, but many of these women are fifty-five, forty to fifty-five, sixty years old and they are not eligible yet. Eventually they would get it, but they are not eligible at this time."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2406 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Benitz, Guess, Newschwander—3.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2406, having received the constitutional majority, 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. 2155, by Senators McDermott, Ridder, Gaspard, and Gould (by State Superintendent of Public Instruction request):

Allowing school districts to provide certain nonprofit meal programs for certain children.

### REPORT OF STANDING COMMITTEE

January 31, 1979.

SENATE BILL NO. 2155, allowing school districts to provide certain nonprofit meal programs for certain children (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 1, line 26, after "educational" strike "or training or care".

On page 2, line 12, after "educational" strike "or training or care".

On page 2, line 19, after "less" strike "nor more".

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

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

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 2155 was advanced to third reading, the second 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. 2155 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Bluechel—1.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2155, having received the constitutional majority, 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. 2274, by Senators Sellar, Talley and Lewis:  
Permitting county treasurers to invest in banker's acceptances.

**MOTIONS**

On motion of Senator Wilson, Substitute Senate Bill No. 2274 was substituted for Senate Bill No. 2274 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2274 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Matson—1.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2274, having received the constitutional majority, 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. 2130, by Senators McDermott and Gaspard (by Superintendent of Public Instruction request):

Implementing law relating to services of educational service districts.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 2130 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 McDermott, it is the intention of this legislation that all of the costs involved be billed to the school district or the private school that is using these services?"

Senator McDermott: "Yes, Senator Rasmussen, on line 26, it says 'they shall pay such fees for services and use of instructional materials as may be established by the ESD.' It is the intention that anybody who is using it pay full costs, just as the school district does when they use ESD facilities."

Senator Rasmussen: "That includes the overhead?"

Senator McDermott: "Yes."

Senator Rasmussen: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2130 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 2058, by Senators Peterson, Donohue, Benitz and Conner (by Department of Natural Resources request):

Regulating leasing of public lands.

#### MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2058 was substituted for Senate Bill No. 2058 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Peterson, I noticed in the bill that there is a possibility that state lands can be leased by negotiation. Could you please describe that process and how that departs from the ordinary public bidding process?"

Senator Peterson: "What section are you referring to, Senator?"

Senator Talmadge: "Section 9."

Senator Peterson: "Section 9 basically it redirects the power to lease the state lands to the highest bidder and it discards requirements that the NR may seek in favor of proposals for recreational use of public lands. I don't think it changes basically anything that isn't already in present statutes."

Senator Talmadge: "Senator, my concern was then in Section 10 that it indicates the department may authorize the use of state land by lease at state auction, or by negotiation, provided that the media is given notice of the negotiation process. What kinds of process is that? I am just curious."

Senator Peterson: "It restricts the department entirely on a fair market return so I don't see any room for any question as to what their motives might be. It allows, really, in Section 10, it basically empowers them to lease it for the maximum rate of return, and that is what we really are talking about."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators McDermott, Pullen—2.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2362, by Senators Woody, Ridder, Fleming, Gould and North:

Requiring landlords to give increased notice of major changes in the status or policy of rented residential property.

### REPORT OF STANDING COMMITTEE

February 7, 1979.

SENATE BILL NO. 2362, requiring landlords to give increased notice of major changes in the status or policy of rented residential property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

Beginning on line 14 strike all the material down to and included the period on line 18 and insert:

"(2) Whenever a landlord plans to change from apartments to a condominium or from a policy permitting or excluding children written notice of such change must be given to each tenant at least ninety days prior to the effective date of the change."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2362 was advanced to third reading, the second 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. 2362 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Clarke, Guess, Matson, Newschwander, Pullen, Talley, Wanamaker—7.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2362, having received the constitutional majority, 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. 2355, by Senator Day:

Revising the laws of regulating osteopaths.

#### REPORT OF STANDING COMMITTEE

February 7, 1979.

SENATE BILL NO. 2355, revising the laws regulating osteopaths (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 13, beginning on line 20, strike all of subsection (3) and insert:

"(3) (~~All advertising of any kind or character other than the carrying of a professional card, window or street sign~~) The violation of any rule or regulation pertaining to advertising of osteopathic practice promulgated by the board."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2355 was advanced to third reading, the second 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. 2355 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2355, having received the constitutional majority, 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. 2439, by Senators Gallagher, Newschwander and Talley: Establishing penalties for fisheries violations.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2439 was substituted for Senate Bill No. 2439 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2439 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2439 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wanamaker, Williams, Woody—36.

Voting nay: Senators Fleming, Gaspard, McDermott, Moore, Odegaard, Rasmussen, Talmadge, Van Hollebeke, Walgren, Wilson, Wojahn—11.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2439, having received the constitutional majority, 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. 2275, by Senators Keefe, Matson and Morrison: Revising laws regulating horse racing.

MOTION

On motion of Senator Walgren, Senate Bill No. 2275 was ordered held for Friday, February 23, 1979.

SPECIAL ORDER OF BUSINESS  
MOTION FOR RECONSIDERATION

The time having arrived, the Senate resumed consideration on the motion for reconsideration by Senator von Reichbauer on the following bill:

SUBSTITUTE SENATE BILL NO. 2149, by Committee on Education (originally sponsored by Senators McDermott, Matson and Ridder):

Providing for bilingual instruction in the common schools.

Prior to the noon recess, Senator McDermott had asked for a roll call on the motion for reconsideration.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Does this take a two-thirds vote to reconsider the measure, pursuant to rule number 31?"

## REPLY BY THE PRESIDENT

President Cherberg: "It does not take a two-thirds vote to reconsider a measure, however, in this particular instance it calls for a suspension of the rules and that would take a two-thirds vote."

## PARLIAMENTARY INQUIRY

Senator Newschwander: "Did you say that we had to suspend the rules to have this roll call?"

## REPLY BY THE PRESIDENT

President Cherberg: "No, not to have the roll call. It takes a two-thirds majority of the members present to suspend the rules in order to reconsider the measure immediately."

Senator Newschwander: "Aren't we suspending the rules in doing that?"

President Cherberg: "You have to take the roll call to determine the outcome, Senator."

## POINT OF INQUIRY

Senator Woody: "Mr. President, are we voting for the motion to reconsider, or are we voting for a motion to suspend the rules?"

## REPLY BY THE PRESIDENT

President Cherberg: "You are voting for both. The President will restate the motion: The motion before the Senate is to suspend the rules in order to reconsider immediately the vote by which Substitute Senate Bill No. 2149 failed."

The President declared the question before the Senate to be the motion by Senator von Reichbauer to reconsider the vote by which Substitute Senate Bill No. 2149 failed to pass the Senate.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion by Senator von Reichbauer carried by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—37.

Voting nay: Senators Benitz, Bluechel, Donohue, Guess, Hayner, Newschwander, Peterson, Pullen, Rasmussen, Scott—10.

Excused: Senators Keefe, Lysen—2.

## MOTIONS

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2149 was returned to second reading.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Matson:

On page 2, line 9, after "shall provide" strike the remainder of the subsection and insert "that any school district with a limited number of pupils of the same non-English dominant language shall not be required to activate a new bilingual program but may carry on an alternative instructional program utilizing resources available within the district."

Debate ensued.

#### POINT OF INQUIRY

Senator Pullen: "Senator McDermott, I was wondering if you could define the words 'a limited number of pupils'."

Senator McDermott: "Under the federal guidelines, the office of civil rights says that if you have twenty people of a single language, then you have to provide a program. I would interpret this to mean that less than twenty would be a limited number."

Senator Pullen: "For each language?"

Senator McDermott: "Surely. If you had less than twenty Arabic or less than something else, then you would not have to provide class rooms."

#### POINT OF INQUIRY

Senator Marsh: "Senator McDermott, how would you define 'an alternative instructional program' as referred to in your amendment?"

Senator McDermott: "This language was designed to give the districts the flexibility to use somebody in the community who speaks both the English and the language in question and allowing them to come into the school to provide some kind of tutoring for one or two students. We wanted to make it flexible because we are working with the district where they have very few and we don't want to require a classroom and a teacher and all the things that go with that, but merely an alternative program that is available within the district."

Senator Marsh: "Well, just what would that alternative instructional program consist of?"

Senator McDermott: "Work in learning English so that they can then become proficient in the subjects of the average school, with the basis from their foreign language."

Senator Marsh: "Senator McDermott, looking further at the amendment, I note that it says it is to, on page 2, line 10, 'it is to be inserted after the words 'shall provide'. I look on line 10 and I do not see those words. I wonder if perhaps you misplaced the designation of your amendment?"

Senator McDermott: "You are correct, it should be line 9. I would move an oral amendment to line 9."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I understand this is a proposed four and a half million dollar program?" Is that a biennium, or annually?"

Senator McDermott: "That is a biennium program."

Senator Rasmussen: "Is this going to come out of the ERD funds?"

Senator McDermott: "It has been in the past. The Governor put it in the budget, but did not put any bilingual funds in. She essentially wiped out the ERD program and made a remedial program, but our ways and means committee chairman and the rest of the committee members will decide where this money should go."

Senator Rasmussen: "This is part of my concern, Senator McDermott. Maybe you can solve the problem. If it is the Governor proposed remedial program and then we are going to have this program, which will be alternative now, apparently, and

under the ERD funds we are going to have approximately seven million ERD funds, four and a half million bilingual and then the remedial, I don't know what the amount is in the budget for remedial, but we will have up around twenty million dollars for what you might say is correctional programs.

"Then this goes to your amendment, Senator McDermott, in accord with the rules of the superintendent of public instruction, which is still in the body of the bill, my concern is that the rules in accordance with the rules of the superintendent of public instruction, that he can say you are not following my rules, you are going to have to go into this program or we are going to short you on some other money. Now that is the way the federal government works. We will take away all your public assistance money if you go over sixty-five miles and hour on the highways. My concern is you have still left those rules in the new rules he is going to draw on top of the ERD rules and the remedial program. Is that true?"

Senator McDermott: "There are presently no rules about the bilingual program. We are now telling him the guidelines that we want him to use in setting up the rules and regulation for bilingual programs. Presently he has no guidance whatsoever and this is a very tightly drawn program compared to what is presently possible.

"If you are worried about a program that will spend a lot of money, you ought to be worried about what is going on now. This says it is going to be limited to three years and at that point there is a cutoff, so this is much more conservative. I would think it would appeal to your sort of basic sense of the way things ought to go."

Senator Rasmussen: "My concern, Senator McDermott, is with what is going on now and the amount of money that we are pouring into it and now we are putting more programs on the top. But I would like to have your interpretation of the intent. Is it your intent that this provide the program in addition to the one that the Governor has suggested on remedial, and in addition to the ERD fund?"

Senator McDermott: "Well, it is a hard question to answer because the Governor made no . . . ."

Senator Rasmussen: "Leave the Governor out, take the ERD funds."

Senator McDermott: "Well, she took the ERD funds out, too, so it is a little bit hard. She said the only money we are going to put in is through remediation. She didn't say what kind of remediation, nothing, and there are no rules and regs about the remediation she is talking about, so it is very hard for me to tell. We are operating off the necessity to have a program, otherwise we are going to have a law suit and we will be forced to put a program in as defined by court. If we don't act, the courts will act, so it is really a question whether we want to wait and be forced, or whether we want to take the initiative and put in what I think is an adequate program to do the job."

Senator Rasmussen: "Thank you, Senator McDermott."

Further debate ensued.

#### POINT OF INQUIRY

Senator Benitz: "Senator McDermott, I heard you make a statement, I did not catch the last word of it about a federal definition saying that twenty students related to what, classroom, school district, or what?"

Senator McDermott: "If a school district has twenty students in it who speak a language other than English, the school district is required to provide a teacher and a classroom to teach the children in that language as well as in English."

Senator Benitz: "Thank you. I would only comment that under limited number definition then a school district such as Patterson with seventeen or eighteen Spanish speaking students might be denied this."

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

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

On page 3, line 18, after "skills" insert:

" PROVIDED FURTHER, That school districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of this act".

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 2149 was advanced to third reading, the second 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. 2149, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 37; nays, 10; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Williams, Wojahn, Woody—37.

Voting nay: Senators Benitz, Bluechel, Donohue, Hayner, Pullen, Rasmussen, Scott, Sellar, Wanamaker, Wilson—10.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2149, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Van Hollebeke moved the Senate do now reconsider the vote by which Engrossed Senate Bill No. 2602 failed to pass the Senate on February 21, 1979.

#### PARLIAMENTARY INQUIRY

Senator Newschwander: "Mr. President, is the motion to suspend the rules so that we can reconsider this bill? Is that what the motion is?"

#### REPLY BY THE PRESIDENT

President Cherberg: "No Sir. No Sir, Senator Newschwander, the motion made by Senator Van Hollebeke was to reconsider the vote by which the measure was lost."

Senator Newschwander: "This takes a majority, then?"

President Cherberg: "Yes, Senator, no suspension of the rule is required in this instance."

The motion for reconsideration carried.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage, on reconsideration, of Engrossed Senate Bill No. 2602.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2602 and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Hansen, Henry, Jones, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Bluechel, Fleming, Gould, Guess, Hayner, Lee, Newschwander, North, Pullen—9.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2602, 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

At 4:00 p.m., on motion of Senator Walgren, the Senate recessed until 4:30 p.m.

### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:30 p.m.

### MOTION

On motion of Senator Wilson, Senator Day was excused.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2030.

### SECOND READING

SENATE BILL NO. 2030, by Senator Shinpoch:

Modifying the method of payment for sick leave of public employees.

### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2030 was substituted for Senate Bill No. 2030 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 2030 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2030 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Day, Keefe, Lysen—3.

SUBSTITUTE SENATE BILL NO. 2030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2192, by Senators Bausch, Odegaard, Rasmussen, Pullen and Newschwander:

Establishing a program for compensation of certain state employees for unused sick leave above a certain level.

## MOTIONS

On motion of Senator Bausch, Substitute Senate Bill No. 2192 was substituted for Senate Bill No. 2192 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bausch, the rules were suspended, Substitute Senate Bill No. 2192 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2192 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Benitz, Bluechel, Scott, Sellar—4.

Excused: Senators Day, Keefe, Lysen—3.

SUBSTITUTE SENATE BILL NO. 2192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2209, by Senators Wanamaker, Henry, Sellar and Donohue:

Requiring the seller of a vehicle to have a Washington title.

## MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2209 was substituted for Senate Bill No. 2209 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wanamaker, the rules were suspended, Substitute Senate Bill No. 2209 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2209 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Day, Keefe, Lysen—3.

**SUBSTITUTE SENATE BILL NO. 2209**, having received the constitutional majority, 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. 2023**, by Senators Donohue, McDermott and Odegaard: Creating a personnel appeals board and setting out its powers and duties.

### MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 2023 was substituted for Senate Bill No. 2023 and the substitute bill was placed on second reading and read the second time in full.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3063.

### SECOND READING

**SENATE BILL NO. 3063**, by Senator Bottiger: Relating to energy.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 3063 was substituted for Senate Bill No. 3063 and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment:

On page 5, line 6, after "legislature." insert the following:

"(9) All of the activities authorized by this act shall be subject to the provisions of RCW 19.86.020 and to Chapter 19.90 RCW notwithstanding any exemptions otherwise contained in said chapter."

Debate ensued.

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

Senator McDermott moved adoption of the following amendment:

On page 6, line 8, after "committee" strike the period and insert:

": PROVIDED FURTHER, That unfair, deceptive or anti-competitive acts or practices affecting commerce relating to the implementation of any authority granted herein are prohibited."

Debate ensued.

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

There being no objection, an amendment by Senator McDermott striking everything after the enacting clause and inserting new sections which was on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 3063 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis: "Senator Bottiger, does this bring under the UTC the rural co-ops that have not previously been under the UTC?"

Senator Bottiger: "In no way does it bring any of the public agencies under the UTC for any rate-making or regulatory procedure. It would make them subject to the energy office functions of low growth reports. They could ask for reports, the same things that the energy office did with, say Seattle City Light, or . . ."

Senator Lewis: "You said it did not bring any of the publics under, I think my . . ."

Senator Bottiger: "None of the publics are under the UTC rule-making, rate-making or regulations."

Senator Lewis: "Are the rural co-ops all publics?"

Senator Bottiger: "For the purpose of that answer, I consider them publics."

Senator Lewis: "Are they being brought under the UTC and not previously have been under the UTC?"

Senator Bottiger: "Senator Lewis, as you know there are three divisions: rate-making, rule-setting. Those divisions nobody is being added to. This creates a new division: the energy office, and all utilities would be under there but they do not have any rule-making or regulation authority. They cannot set rates, or do anything like that."

MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 3063 was rereferred to the Committee on Rules.

SECOND READING

SENATE JOINT RESOLUTION NO. 110, by Senators Walgren, Odegaard, Newschwander, Matson and Clarke:

Authorizing annual legislative sessions.

MOTIONS

On motion of Senator Woody, Substitute Senate Joint Resolution No. 110 was substituted for Senate Joint Resolution No. 110 and the resolution was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Joint Resolution No. 110 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 110 and the resolution passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senator Pullen—1.

Absent or not voting: Senators Fleming, Henry—2.

Excused: Senators Day, Keefe, Lysen—3.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 110, having received the constitutional two-thirds majority, was declared pass.

#### MOTION

On motion of Senator Walgren, House Bill No. 65 was ordered held on the desk of the Secretary of the Senate.

#### MOTIONS

On motion of Senator Walgren, the Senate returned to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Henry, Guess and Conner:

Enunciating a state transportation policy.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57, by Committee on Local Government (originally sponsored by Representatives Charnley and Rohrbach) (by House Committee on Local Government of 45th Legislature request):

Providing a common date for assumption of office by local government elected officials.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 82, by Committee on Financial Institutions (originally sponsored by Representatives Eng, Lux and Wilson):

Regulating cemetery prearrangement contracts.

Referred to Committee on State Government.

HOUSE BILL NO. 140, by Representatives Monohon, Keller, Schmitten and Fuller:

Increasing port district levy flexibility.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 156, by Committee on Local Government (originally sponsored by Representatives Mitchell, Warnke, Zimmerman, Jovanovich, Nisbet, G.A. Nelson, Tupper, Williams, Eberle, Bond, Wilson, Houchen and Dawson):

Relating to fiscal notes and appropriation clauses on legislation mandating expenditures by state or local units of government.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 195, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Eng, Blair, Hurley, Rosbach and Knowles):

Revising laws relating to savings and loan associations.

Referred to committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 238, by Representatives Hurley, Taylor, McGinnis, Blair, Burns, Sprague and Taller:

Providing for urban parks.

Referred to Committee on Parks and Recreation.

SUBSTITUTE HOUSE BILL NO. 248, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Whiteside, Charnley and Garrett):

Allowing executive sessions for the disposition of real estate.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 305, by Representatives Erickson and Nelson (D), (by Committee on Elections and Governmental Ethics of the 45th Legislature request):

Delineating those persons subject to financial disclosure.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 307, by Representatives Newhouse and Knowles:

Revising the criminal code.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 357, by Representatives Thompson, Zimmerman and Gruger:

Placing student associations at institutions of higher education under open public meetings act.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 380; by Representatives Dawson, Erak and Patterson (by Department of Transportation request):

Providing new and revised state highway numbers and descriptions.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 398, by Committee on Higher Education (originally sponsored by Representatives Teutsch, Deccio, Grimm and North):

Insuring that community college board trustees serve until their successors are appointed and qualified.

Referred to Committee on Higher Education.

HOUSE BILL NO. 415, by Representatives O'Brien, Greengo, Garrett and Zimmerman:

Permitting cities to designate an officer to conduct local assessment hearings.

Referred to Committee on Local Government.

HOUSE BILL NO. 419, by Representatives Burns, Blair, Warnke, Nelson (D), Douthwaite and Greengo:

Authorizing sale of liquor at faculty center at University of Washington.

Referred to Committee on Commerce.

HOUSE BILL NO. 431, by Representatives Teutsch, Deccio, Burns, McGinnis, Barnes and Keller:

Authorizing method by which community college districts obtain fire protection services.

Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 436, by Committee on Financial Institutions (originally sponsored by Representatives Eng and Winsley):

Establishing enforcement mechanisms under the franchise investment protection act.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 441, by Representatives McCormick and Haley (by Utilities and Transportation Commission request):

Modifying penalties for failure to pay certain regulatory fees.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 504, by Committee on Parks and Recreation (originally sponsored by Representatives Grimm, Walk and Garrett):

Modifying requirements for senior citizen park passes.

Referred to Committee on Parks and Recreation.

**SUBSTITUTE HOUSE BILL NO. 541**, by Committee on State Government (originally sponsored by Representatives Ehlers, Lux and Gallagher):

Updating the state building code.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 546**, by Committee on Insurance (originally sponsored by Representatives Rohrbach and Maxie) (by Insurance Commissioner request):

Revising the billing for the expenses of examiners for insurers.

Referred to Committee on Financial Institutions and Insurance.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 562**, by Committee on Judiciary (originally sponsored by Representatives Tilly, Sherman, Newhouse, Schmitten, North, Sanders, Clayton, Fancher and Nisbet):

Permitting a person to detain a trespasser and establishing procedures for forfeiture of motor vehicles used in criminal trespass.

Referred to Judiciary Committee.

**HOUSE BILL NO. 576**, by Representatives Scott, Clayton, Lux, Martinis, Taller, McDonald, Brown, Bender, Jovanovich and King:

Revising laws regulating apprenticeships.

Referred to Committee on Labor.

**HOUSE BILL NO. 585**, by Representatives Erickson, Schmitten and Vrooman:

Abolishing and transferring duties of institute of forest products to an institute of forest resources.

Referred to Committee on Higher Education.

**ENGROSSED HOUSE BILL NO. 622**, by Representatives Martinis, Wilson, Bender, Nelson (G.A.), Garrett, Van Dyken, Charnley, Chandler, Gruger, McDonald, Knowles, Sherman, Polk, King, May, Struthers, Tupper, Gallagher, Sommers, Isaacson and Lux:

Removing expiration date from motor vehicle excise tax distribution statute.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 625**, by Representatives Van Dyken, Fancher, Erak, Scott, Becker, Kreidler, Barr and Smith (C):

Revising laws relating to dairy products.

Referred to committee on Agriculture.

**ENGROSSED HOUSE BILL NO. 636**, by Representatives Charnley, Barnes and Rohrbach:

Revising the limits of areas near airports studied for aircraft noise impact.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 697**, by Committee on Judiciary (originally sponsored by Representatives Newhouse, R. Smith, Knowles and Chandler):

Revising the law on replevin.

Referred to Judiciary Committee.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 729**, by Committee on State Government (originally sponsored by Representatives Douthwaite, Taller, Newhouse, Blair, Keller, Salatino and Lux) (by State Employees' Insurance Board request):

Modifying the laws on panel medicine plans for state employees.

Referred to Committee on State Government.

HOUSE BILL NO. 778, by Representatives Kreidler, Fancher, Clayton and Scott:

Changing the law on voting to dissolve an agricultural cooperative association.  
Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 795, by Representatives Eng, Winsley, Burns and Douthwaite:

Authorizing the state college and state universities to issue charitable gift annuities.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 806, by Representatives Winsley, Hurley and Knowles (by Department of General Administration request):

Authorizing the supervisor of banking to issue cease and desist orders against mutual savings banks engaging in certain practices.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 808, by Representatives Winsley, Hurley and Knowles (by Department of General Administration request):

Permitting corporations doing a trust business to deposit securities held in trust in other banks and trust companies.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 836, by Representatives Schmitten, Tilly and Smith (C):

Removing the limit on assessment increases by the apple commission.

Referred to Committee on Agriculture.

HOUSE BILL NO. 846, by Representatives Newhouse and Smith (Rick) (by Department of Revenue request) (by Code Reviser's Office request):

Correcting statutory references to the Department of Revenue.

Referred to Judiciary Committee.

HOUSE BILL NO. 847, by Representatives Smith (Rick) and Newhouse (by Department of Social and Health Services request) (by Code Reviser's Office request):

Correcting statutory references to the Department of Social and Health Services.

Referred to Judiciary Committee.

HOUSE BILL NO. 848, by Representatives Smith (Rick) and Newhouse (by Office of Financial Management request) (by Code Reviser's Office request):

Correcting statutory references to the office of financial management.

Referred to Judiciary Committee.

HOUSE BILL NO. 849, by Representatives Newhouse, Smith (Rick) and Maxie (by Department of Licensing request) (by Code Reviser's Office request):

Correcting statutory references to the Department of Licensing.

Referred to Judiciary committee.

HOUSE BILL NO. 860, by Representatives Van Dyken, Becker, Charnley, Zimmerman, Sherman, Rosbach and McGinnis:

Revising the guidelines for decisions of boundary review boards.

Referred to Committee on Local Government.

HOUSE BILL NO. 874, by Representatives Owen, Schmitten and Vrooman:

Revising laws relating to the forest fire advisory board.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 875, by Representatives Winsley, Knowles, Hurley and Sanders:

Increasing the amounts that banks and trust companies may invest in real estate.

Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 952, by Representatives Winsley, Eng, Newhouse and Knowles:

Modifying liability of banks and trust companies for adverse claims on deposits.

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7, by Committee on Local Government (originally sponsored by Representatives Charnley, Zimmerman, Van Dyken, Teutsch, Rosbach, Whiteside, Schmitten and Brekke):

Providing alternative methods of framing a "Home Rule" charter.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 21, by Committee on Judiciary (originally sponsored by Representatives Knowles, Newhouse, R. Smith and Garrett):

Authorizing additional court commissioners.

Referred to Judiciary Committee.

#### MOTION

On motion of Senator Walgren, Senate Bill No. 2333 was rereferred to the Committee on Financial Institutions and Insurance from the second reading calendar.

#### MOTION

On motion of Senator Walgren, all remaining bills on all calendars will be referred to the Committee on Rules with the exception of all bills outside the cutoff resolution.

#### MOTION

At 5:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, February 23, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, February 23, 1979.

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 Benitz, Day and Keefe. On motion of Senator Wilson, Senators Day and Keefe were excused. On motion of Senator Jones, Senator Benitz was excused.

The Color Guard, consisting of Pages Michelle Wheeler and Brock Williams, presented the Colors. Reverend Paul F. McCann, pastor of United Churches of Olympia, offered the following prayer:

"GOD OF ALL PLANETS AND ALL PEOPLES, WE PRAY TODAY FOR PERSPECTIVE ON OUR TASKS AND ON OURSELVES. WE CONFESS A NEED FOR THE CORRECTIVE VISION OF THE PSALMIST, WHO FOUND THE NIGHT SKY A MIRROR FOR HIS OWN INSIGNIFICANCE, AND WHO CRIED OUT IN WONDER, 'WHAT IS A MAN, THAT THOU ART MINDFUL OF HIM?' KEEP OUR EGOS IN LINE, O GOD, THROUGH A HEALTHY SENSE OF OUR SMALLNESS IN THE GRAND SCHEME OF THINGS. HELP US NOT TO TAKE OURSELVES TOO SERIOUSLY, LEST WE BEGIN TO BELIEVE THAT THE WORLD REVOLVES AROUND US. YET, O GOD, WE ACKNOWLEDGE THAT YOU HAVE ENTRUSTED US WITH THE CARE OF ONE SMALL SEGMENT OF YOUR CREATION, AND OF THE HUMAN ORDER IN IT. YOU HAVE VALUED US ENOUGH TO MAKE US STEWARDS OF THE LAND, THE WATER, THE AIR, THE QUALITY OF HUMAN LIFE.

"HELP US THEREFORE, WE PRAY, TO CARRY OUT OUR TASKS TODAY HUMBLLY, WITH SPIRITS GLAD FOR THE PRIVILEGE OF HAVING EVEN A SMALL PART IN YOUR CONTINUING CREATION. WE PRAY IN THE NAME OF THE ONE WHO EXALTED ALL HUMANKIND THROUGH HIS HUMILITY AND SELF-GIVING LOVE—EVEN JESUS THE CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 23, 1979.

HOUSE BILL NO. 25, defining what persons are lawfully on another's property in cases of liability for dog bites (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 45, increasing the scope of crop liens (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.  
Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 48, extending certain exemptions for contracts by local governmental entities to include small irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.  
Passed to Committee on Rules for second reading.

February 23, 1979.

SUBSTITUTE HOUSE BILL NO. 247, revising laws relating to agricultural products (reported by Committee on Agriculture::

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.  
Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 341, correcting double amendments to RCW 18.85.120, 18.85.140, 18.85.150, and 18.85.230 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 342, correcting double amendment to RCW 21.20.310 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

HOUSE BILL NO. 343, correcting double amendment to RCW 27.28.010 and 27.32.010 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 344, correcting double amendments to RCW 43.17.010; 43.17.020, 43.41.110, and 43.51.040 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 345, correcting double amendment to RCW 46.37.340, 46.52.030, and 46.70.011 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 346, correcting multiple amendments to RCW 82.08.030 and 82.12.030 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 347, correcting double amendments to RCW 84.48.010 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 348, making RCW corrections to Title 28B RCW (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 351, increasing the maximum allowable agricultural commodity assessment on wheat (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 625, revising laws relating to dairy products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 23, 1979.

HOUSE BILL NO. 778, changing the law on voting to dissolve an agricultural cooperative association (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Gaspard, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

February 22, 1979.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 87,

SUBSTITUTE HOUSE BILL NO. 92,

ENGROSSED HOUSE BILL NO. 101,

ENGROSSED SUBSTITUTE HOUSE BILL No. 144,

HOUSE BILL NO. 191,

HOUSE BILL NO. 218,

HOUSE BILL NO. 229,

ENGROSSED HOUSE BILL NO. 230.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298,  
 SUBSTITUTE HOUSE BILL NO. 315,  
 SUBSTITUTE HOUSE BILL NO. 328,  
 SUBSTITUTE HOUSE BILL NO. 333,  
 SUBSTITUTE HOUSE BILL NO. 367,  
 HOUSE BILL NO. 677,  
 SUBSTITUTE HOUSE BILL NO. 704,  
 HOUSE BILL NO. 721,  
 SUBSTITUTE HOUSE BILL NO. 749,  
 HOUSE BILL NO. 754,  
 HOUSE BILL NO. 759,  
 SUBSTITUTE HOUSE BILL NO. 774,  
 SUBSTITUTE HOUSE BILL NO. 796,  
 SUBSTITUTE HOUSE BILL NO. 815,  
 HOUSE BILL NO. 989,  
 SUBSTITUTE HOUSE BILL NO. 1176,  
 SUBSTITUTE HOUSE BILL NO. 1261, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 22, 1979.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 802,  
 SUBSTITUTE HOUSE BILL NO. 864,  
 ENGROSSED HOUSE BILL NO. 870,  
 SUBSTITUTE HOUSE BILL NO. 962,  
 HOUSE BILL NO. 983,  
 SUBSTITUTE HOUSE BILL NO. 1008,  
 HOUSE JOINT RESOLUTION NO. 31, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 22, 1979.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 43,  
 SUBSTITUTE HOUSE BILL NO. 56,  
 SUBSTITUTE HOUSE BILL NO. 97,  
 HOUSE BILL NO. 100,  
 ENGROSSED HOUSE BILL NO. 113,  
 ENGROSSED HOUSE BILL NO. 149,  
 SUBSTITUTE HOUSE BILL NO. 186,  
 SUBSTITUTE HOUSE BILL NO. 194,  
 SUBSTITUTE HOUSE BILL NO. 201,  
 SUBSTITUTE HOUSE BILL NO. 262,  
 SUBSTITUTE HOUSE BILL NO. 280,  
 HOUSE BILL NO. 331,  
 SUBSTITUTE HOUSE BILL NO. 340,  
 HOUSE BILL NO. 365,  
 SUBSTITUTE HOUSE BILL NO. 391,  
 ENGROSSED HOUSE BILL NO. 413,  
 HOUSE BILL NO. 414,  
 SUBSTITUTE HOUSE BILL NO. 440,  
 SUBSTITUTE HOUSE BILL NO. 486,  
 HOUSE BILL NO. 570,

SUBSTITUTE HOUSE BILL NO. 624,  
 ENGROSSED HOUSE BILL NO. 630,  
 HOUSE BILL NO. 666,  
 HOUSE BILL NO. 668,  
 SUBSTITUTE HOUSE BILL NO. 726, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 23, 1979.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 86,  
 ENGROSSED HOUSE BILL NO. 132,  
 ENGROSSED HOUSE BILL NO. 424,  
 ENGROSSED HOUSE BILL NO. 612,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 779,  
 ENGROSSED HOUSE BILL NO. 792,  
 ENGROSSED HOUSE BILL NO. 829,  
 ENGROSSED HOUSE BILL NO. 891,  
 ENGROSSED HOUSE BILL NO. 1325, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of  
 business.

On motion of Senator Marsh, the Senate commenced consideration of Senate  
 Bill No. 2275.

#### SECOND READING

SENATE BILL NO. 2275, by Senators Keefe, Matson and Morrison:  
 Revising laws regulating horse racing.

#### MOTION

On motion of Senator Van Hollebeke, Senate Bill No. 2275 was ordered held  
 on the second reading calendar for Monday, February 26, 1979.

#### MOTION

At 10:17 a.m., on motion of Senator Marsh, the Senate recessed until 12:10  
 p.m.

#### NOON SESSION

The President called the Senate to order at 12:10 p.m.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 101, by Senators Donohue, Matson,  
 Odegaard, Scott, Gaspard, Conner, Walgren, Marsh and Lee:  
 Amending the Constitution to allow property tax relief.

## MOTIONS

On motion of Senator Donohue, Substitute Senate Joint Resolution No. 101 was substituted for Senate Joint Resolution No. 101 and the substitute resolution was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Hayner:

On page 2, line 2, after "use" insert:

": PROVIDED, HOWEVER, That the amount or rate of such tax relief shall be proportionately equal for all property within each class"

Debate ensued.

Senator Pullen moved adoption of the following amendment to the amendment by Senators Pullen and Hayner:

After "be" and before "equal" strike "proportionately"

Further debate ensued.

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

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Hayner.

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

Senator Pullen moved adoption of the following amendment by Senators Pullen, Lee and Lewis:

On page 2, after "use" insert:

": PROVIDED, That nothing contained in this constitutional amendment shall authorize a graduated property tax except for the poor, infirm, elderly, and retired"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Donohue, the rules were suspended, Substitute Senate Joint Resolution No. 101 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 Lysen: "Senator Donohue, on line 19 . . . 'and may grant to retired property owners or renters additional property tax relief on such property'. So, would this be regardless of income, retired people would get a tax break or would be eligible for tax break even though their income may not be low?"

Senator Donohue: "The implementing legislation, of course, will determine exactly, in answer to your question, but at the present time we cannot give relief to renters. There is nothing in the Constitution that allows us to give relief . . . ."

Senator Lysen: "I said retired property owners, line 19."

Senator Donohue: ". . . 'may grant to retired property owners or renters additional property tax relief on such property'. I guess I just don't understand what you are asking."

Senator Lysen: "Just the first portion of the question. I am concerned about the renters also, but the retired property owners, if they would be eligible for a tax credit on their taxes paid on other income or if their income is not low income, but say, high income, just because they are retired, they would be eligible for tax credit or tax payment."

Senator Donohue: "I would assume that that would be up to the provision of the statute that passes this legislature. I would assume that someone will not receive

in good judgment at least, that the legislature is surely not going to, for instance, give a lot of property tax relief to someone who owns a one hundred thousand dollar home and spends six months at Palm Spring. I do not envision that happening. They may be retired, too."

Senator Lysen: "With inflation the way it is, a one hundred thousand dollar home may in a few years be a very middle income or modest home the way inflation is going."

Senator Donohue: "That is possible."

Senator Lysen: "I guess I have some real concerns here about allowing this kind of possibility in the Constitution where the implementing statutes could be wide open here. Also, I do not understand, Senator, how the mechanism would work in terms of passing this on to renters. I would really like some explanation of that."

### REMARKS BY SENATOR RIDDER

Senator Ridder: "Mr. President, perhaps I can address some of Senator Lysen's concerns because I think we would share some of those same concerns."

"While property owning has been an objective of those of us who are Democrats and I think those of us who are Republicans alike, circumstances dictate, particularly in these times of inflation that property owning may be a privilege of fewer and fewer members of our population. That means that there are many people who are going to be hit by the rising cost of property who are not able to own that property but are using the effects of that inflation in the rental payments that they must make.

"The determination of the level of income would be a product of an implementing bill and I think it is intended that it be essentially a low income measure. But, it cannot always be granted simply to retired folks. We passed out a bill the other day, the displaced homemakers, if you will, to make it a more generic term, who no longer are able to own property because the expenses are too great and the problems of keeping that property in good condition are too great. They, therefore, are seeking rental accommodations that may be far beyond a very limited income in those late middle years in which they are not entitled to any kind of pension program and have a very limited work skill in order to draw employment wages.

"This measure would allow the legislature to develop enabling legislation to either give those particular people credit, which then could be established against the tax on that property assessed against the property owner. There need not be a cash payment of any kind which would fall into what Senator Rasmussen states as 'a negative income tax', but would allow those people to use that as a credit against their rent. I am not saying that is how it would happen, but that would be the possibility of how it could be handled.

"I think that we should definitely consider the problems of renters in our society. There are young people, but there are a lot of older people who are getting absolutely no tax relief and yet they are paying their rents now on a basis in the inflated economy that we have."

### POINT OF INQUIRY

Senator Guess: "Senator Donohue, I had a telephone call this morning from Spokane. The gentleman that called me had just received his tax notice. His tax bill went from nine hundred to two thousand dollars. Some of that tax bill came on houses that are rented to welfare recipients, two of them, in fact. Now, how would we return under this law to that renter any reimbursement?"

(Senator Donohue deferred to Senator Bottiger)

Senator Bottiger: "Senator Guess, our state is one of the most restrictive constitutional states and I think that you have heard that many times that our Constitution really lays it to the legislative body as to authority to do things. Twenty-three states have provisions for refunds to renters of a portion of their property tax . . . excuse me . . . twenty-three states have provisions for senior citizens. Eight other states include seniors and non-seniors, so we have a total of thirty-one of the fifty states handle this problem currently.

"I can envision and that is what you are really asking someone to do . . . envision . . . how you would do it. The legislature could make a choice of either providing tax relief to the rental property owner and he passing it through on the competitive market to the renters, or we could leave the rental market alone, leave the rent receipt alone and pass the refund by actual direct check to the property owner. I would prefer the first situation, but eight of our states do it a different way.

"Now, the purpose of this constitution law, while I am on my feet and in addition to the answer to your question, if you will look at the problems that each of us has faced at home trying to explain to people why we cannot do anything for them. The first one is the personal property and that is the mobile home situation. How do you get property tax relief to senior citizens living in mobile homes. You have got to add the words 'personal property'. We have not restricted this and tightened this down to only mobile homes because who knows what tomorrow's system will bring. We have left that discretion in the legislature. We have also provided that the legislature may determine the method of doing this, whether it is direct cash pay back, or whether it is credit against some other tax, we have left that discretion in the legislature. We have joined thirty-one of our other states in giving, if this constitutional amendment is approved, of giving the legislature the authority to respond to these problems. With the restrictive Constitution, our hands are tied. There is nothing we can do.

"So what this constitutional amendment would propose to the people is that their legislative body had the authority to make these discretionary decisions."

"Now, obviously these are the arguments that will be in the voters' pamphlet, these are the arguments that will be debated on the stump when the people decide this, but without an affirmative two-thirds vote here we will continue to go home and say, 'I am sorry—under our Constitution there is nothing we can do to solve these problems'."

#### MOTION

On motion of Senator Marsh, Substitute Senate Joint Resolution No. 101 was ordered held on the third reading calendar for Monday, February 26, 1979.

#### MOTIONS

On motion of Senator Wilson, the Committee on Local Government was relieved from further consideration of Substitute House Bill No. 57.

On motion of Senator Wilson, Substitute House Bill No. 57 was rereferred to the Committee on Constitution and Elections.

#### MOTIONS

On motion of Senator Henry, the Senate commenced consideration of Senate Resolution 1979-17.

On motion of Senator Henry, there being no objection, the names of Senators Marsh and Talley were added as additional sponsors to Senate Resolution 1979-17.

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

SENATE RESOLUTION 1979-17

By Senators Henry, Marsh and Talley:

WHEREAS, There are at least fourteen commercial television stations currently in use in Washington State; and

WHEREAS, At least two additional regions of the state are covered by auxiliary transmitters sending commercial programming into their areas; and

WHEREAS, The Yakima transmitters reach westward only to parts of Skamania and Kittitas counties; and

WHEREAS, The Seattle and Tacoma transmitters reach southward only to the Centralia-Chehalis area; and

WHEREAS, There are approximately 290,000 persons in households in the southwest region of the state without commercial television coverage from Washington State channels; and

WHEREAS, Clark County, the largest population area within this uncovered region, has been the fastest growing county in the state over the past eight years and projections show that over 100,000 people will migrate to this region within the next two decades; and

WHEREAS, This entire Southwest Washington region is dependent upon Portland, Oregon for all of its television coverage, most of its radio coverage, and a good portion of its newspaper market; and

WHEREAS, This lack of Washington emphasis in the southwest region has caused a serious lack of "Washington identity" for the area's residents; and

WHEREAS, KLRK Broadcasting Corporation in Clark County has applied to the Federal Communications Commission for a commercial broadcasting license and channel assignment;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, in its collective wisdom, agrees with the basic effort of providing Clark County and Southwest Washington its own commercial television channel for the primary purpose of keeping the region's ever-increasing numbers of Washingtonians informed of our state's news; and

BE IT FURTHER RESOLVED, That the Federal Communications Commission be encouraged to act positively and with all due haste on the license application of KLRK or any other local applicant; and

BE IT FURTHER RESOLVED, That a copy of this resolution be quickly transmitted by the Secretary of the Senate to the Federal Communications Commission.

MOTION

At 12:55 p.m., on motion of Senator Marsh, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

MOTION

On motion of Senator Marsh, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 43, by Committee on Commerce (originally sponsored by Representative Fancher):

Authorizing certain persons to obtain contractors' bonds at reduced rates.

Referred to Committee on Commerce.

**SUBSTITUTE HOUSE BILL NO. 56**, by Committee on Local Government (originally sponsored by Representatives Charnley, Whiteside, Zimmerman, Rohrbach, North, Owen, Sanders, Fuller, Flanagan, Knowles, Smith (C.P.), Nisbet and Amen) (by House Committee on Local Government of 45th Legislature request):

Authorizing local governments to enter program for self-insurance, risk management and joint insurance.

Referred to Committee on Local Government.

**ENGROSSED HOUSE BILL NO. 86**, by Representatives Eng, Lux, Barr and Winsley:

Regulating debt adjusters.

Referred to Committee on Financial Institutions and Insurance.

**ENGROSSED HOUSE BILL NO. 87**, by Representatives Clayton and Barr:

Regulating agricultural commodity warehouses.

Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 92**, by Committee on Labor (originally sponsored by Representatives Bond, Whiteside, C. P. Smith, Sprague, Taylor, Winsley, Rosbach, McGinnis, Fancher, Sanders, Schmitt, Craswell, Fuller, Newhouse, Polk, Zimmerman, Rohrbach, Barr, Clayton, McCormick, Flanagan, Hurley, Nisbet, Struthers, Amen, Tilly and Patterson):

Allowing corporate employees to withdraw from industrial insurance eligibility.

Referred to Committee on Labor.

**SUBSTITUTE HOUSE BILL NO. 97**, by Committee on Transportation (originally sponsored by Representatives Newhouse, Van Dyken, Fuller, Flanagan, C. P. Smith and Clayton):

Exempting vehicles hauling farm products from regulation under certain circumstances.

Referred to Committee on Transportation.

**HOUSE BILL NO. 100**, by Representatives Patterson, Isaacson, Taylor and Amen:

Extending state route number 27 through Pullman.

Referred to Committee on Transportation.

**ENGROSSED HOUSE BILL NO. 101**, by Representative Sanders (by request of the Committee on Judiciary of the 45th Legislature):

Clarifying laws on negligent driving and racing.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 113**, by Representatives Heck, Ehlers, Taller and Zimmerman:

Modifying procurement procedures for state vocational rehabilitation programs.

Referred to Committee on State Government.

**ENGROSSED HOUSE BILL NO. 132**, by Representatives Warnke, Owen and Whiteside:

Permitting the board to designate a treasurer in special purpose districts.

Referred to Committee on Local Government.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 144**, by Committee on Institutions (originally sponsored by Representatives Owen, Nisbet, Struthers, Brown and Fuller):

Requiring reimbursement to local government jurisdictions near state correctional institutions for the mentally ill for costs of apprehending and processing escapees.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 149, by Representatives Knowles and Vrooman:

Relating to county law libraries.  
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 186, by Committee on Natural Resources (originally sponsored by Representatives Schmitten, Keller, Vrooman, Addison, Fuller and Teutsch):

Eliminating report filing for shippers of Christmas trees sold out of state.  
Referred to Committee on Natural Resources.

HOUSE BILL NO. 191, by Representatives Heck, Chandler, Whiteside, Galloway and Tupper:

Allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds.  
Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 194, by Committee on Higher Education (originally sponsored by Representatives Burns, Grimm, Oliver, Erickson and Heck):

Mandating responsibility in program development and budgetary considerations in use of services and activities fees.  
Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 201, by Committee on Higher Education (originally sponsored by Representatives D. Nelson, Erickson, Burns and Barnes):

Allowing applications for change in classification as resident student for college fee purposes to be made up to thirtieth day of quarter or semester.  
Referred to Committee on Higher Education.

HOUSE BILL NO. 218, by Representatives Fuller, Whiteside, Sanders, Keller, Erak, Addison and Kreidler:

Designating an official dance for the state.  
Referred to Committee on Parks and Recreation.

HOUSE BILL NO. 229, by Representatives Kreidler, Fancher, Erak, Amen and House (by Department of Agriculture request):

Revising laws relating to public livestock markets.  
Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 230, by Representatives Fancher, Kreidler, Erak, Amen, Clayton and Smith (C) (by Department of Agriculture request):

Revising laws relating to identification of cattle through licensing of certificated feed lots.  
Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 262, by Committee on Social and Health Services (originally sponsored by Representative Adams) (by Department of Social and Health Services request):

Modifying the reporting of vital statistics.  
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 280, by Committee on Commerce (originally sponsored by Representatives Gallagher, Brown, Tilly and May):

Prohibiting advertisement of unlicensed contractors.  
Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, by Committee on Ecology (originally sponsored by Representatives Valle, Chandler, Pruitt and Douthwaite):

Controlling vehicle emissions.  
Referred to Committee on Ecology.

**SUBSTITUTE HOUSE BILL NO. 315**, by Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Sanders, Addison, May, Fuller, Walk, Salatino, Owen, Oliver, Gallagher, Struthers, Douthwaite and North (by Governor Ray request):

Establishing criteria for the regulation of professions and occupations.

Referred to Committee on Commerce.

**SUBSTITUTE HOUSE BILL NO. 328**, by Committee on Energy and Utilities (originally sponsored by Representatives Haley, McCormick, Martinis and Charnley):

Revising the law relating to energy facility site locations.

Referred to Committee on Energy and Utilities.

**HOUSE BILL NO. 331**, by Representatives Vrooman, Schmitt and Taylor:

Authorizing the department of game to retain fees charged for informational material published by the department.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 333**, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Schmitt, Vrooman, Wilson and Jovanovich):

Establishing a two-year program restricting salmon charter boat fishing.

Referred to Committee on Natural Resources.

**SUBSTITUTE HOUSE BILL NO. 340**, by Committee on Institutions (originally sponsored by Representatives Struthers, Becker, Dunlap, Clayton, C.P. Smith and Bond) (by Department of Social and Health Services request):

Requiring parents to support their children in juvenile institutions.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 365**, by Representatives Lux, Galloway, Smith (Rick), Zimmerman, Garrett and Williams:

Authorizing satellite facilities for credit unions.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 367**, by Committee on Education (originally sponsored by Representatives Chandler, Heck, Whiteside, Bauer, Bender, Taller, Tupper and Mitchell):

Having state board of education examine and accredit all public schools within a school district.

Referred to Committee on Education.

**SUBSTITUTE HOUSE BILL NO. 391**, by Committee on Judiciary (originally sponsored by Representatives Erickson and Thompson):

Requiring approval and announcement of prior agreement on damages in civil actions.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 413**, by Representatives Amen, Flanagan, Warnke and Fuller (by Legislative Budget Committee request):

Modifying the law on the purchase and sale of real property by school districts.

Referred to Committee on Education.

**HOUSE BILL NO. 414**, by Representatives Bender, Chandler, Thompson and Lux:

Establishing a revolving fund for fees collected by the department of labor and industries for electrical licenses and inspections.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 424, by Representatives Smith (R), Newhouse and Chandler:

Allowing negotiation of court filing fees between cities and counties.  
 Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 440, by Committee on Education (originally sponsored by Representatives Sherman, Chandler and Sanders) (by Superintendent of Public Instruction request):

Authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees.  
 Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 486, by Committee on Ecology (originally sponsored by Representatives Barr, Fancher and Hughes):

Authorizing sale of certain second class shorelands by the state.  
 Referred to Committee on Local Government.

HOUSE BILL NO. 570, by Representatives May, Hurley, McGinnis, McCormick, Hughes, Martinis, Charnley and Sherman:

Funding public transportation systems.  
 Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 612, by Representatives King, Sanders, Pruitt, Lux, Monohon, Scott, Nisbet, Clayton, Williams, Jovanovich, Owen, Thompson, Haley, Dunlap, Vrooman, Nelson (D), Addison, McGinnis, Burns, Bauer, Mitchell, Winsley and Isaacson:

Increasing workmen's compensation for permanent partial disabilities.  
 Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 624, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Adams, Whiteside, Tupper, Brekke, Scott, Granlund and Winsley) (by Department of Social and Health Services request):

Regulating certain controlled substances.  
 Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 630, by Representative Flanagan:  
 Providing for awarding of attorney fees and costs in lien foreclosures against the reserve fund for a public works' project.

Referred to Judiciary Committee.

HOUSE BILL NO. 666, by Representatives Rosbach, Fuller, Heck and Chandler:

Allowing authorized transfers of students to another school district for indefinite periods.  
 Referred to Committee on Education.

HOUSE BILL NO. 668, by Representatives Lux, Scott and Erak (by Employment Security Department request):

Modifying restrictions on governmental access to records of the employment security department.  
 Referred to Judiciary Committee.

HOUSE BILL No. 677, by Representatives Rosbach, North, Fancher, Fuller, Thompson and Keller:

Providing an allowance for clothing and incidentals for a sheriff and deputies.  
 Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 704, by Committee on Judiciary (originally sponsored by R. Smith):

Modifying the laws regulating driving while under the influence of intoxicating liquor.

Referred to Judiciary committee.

HOUSE BILL NO. 721, by Representatives Sanders, Warnke and Greengo: Clarifying registration requirements for contractors.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 726, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Implementing law relating to grant of franchises for use of rights of way of county roads.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 749, by Committee on Transportation (originally sponsored by Representatives McCormick, Bond, Gallagher, Martinis and McGinnis) (by Department of Transportation request):

Providing for issuance of refunding bonds in exchange for outstanding Spokane river toll bridge revenue bonds held by certain retirement systems.

Referred to Committee on Transportation.

HOUSE BILL NO. 754, by Representatives Lux, Scott, Whiteside, Erak, Brown, Struthers, Mitchell, Houchen, Winsley, Williams, Zimmerman, McGinnis, Wilson, Fuller, Burns, Nelson (D) and Maxie (by Executive request):

Adjusting workers' compensation payments.

Referred to Committee on Labor.

HOUSE BILL NO. 759, by Representatives Valle, Whiteside and Galloway:

Permitting job recruitment expenditures by libraries.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 774, by Committee on Judiciary (originally sponsored by Representatives Nelson (D), Chandler and Bender):

Reenacting the law granting attorney fees to an owner suing to recover stolen goods from a pawnbroker.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 779, by Committee on Insurance (originally sponsored by Representatives Tupper) (by Insurance Commissioner request):

Modifying the laws on insurance.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 792, by Representatives Warnke, Greengo, Owen, Walk, Oliver, Addison, Sanders, May, Salatino, Struthers, Fuller, Gallagher, McGinnis and Taylor:

Revising laws regarding the business license center.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 796, by Committee on Local Government (originally sponsored by Representatives O'Brien, Valle and Erak):

Permitting Seattle to charge admission to the hydroplane races.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 802, by Representatives Knowles, Newhouse, Winsley, Lux and Deccio:

Modifying the definition of "debenture company".

Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 815, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Adams, Whiteside,

Mitchell, Pruitt, Brekke, Lux, Burns, Winsley, Charnley, Galloway, Sherman and Scott):

Revising laws relating to substitutions of prescription drugs.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 829, by Representatives Haley, Kreidler, Craswell, Thompson and Smith (R):

Increasing the funding of family court.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 864, by Committee on Agriculture (originally sponsored by Representatives Fancher, Barr and Bauer):

Authorizing restrictions on the movement of cattle.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 870, by Representatives Thompson, Lux and Williams:

Permitting 17 year old minors to donate blood without parental consent.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 891, by Representatives Dunlap, Heck and Chandler:

Clarifying items in the student learning objectives law.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 962, by Committee on Natural Resources (originally sponsored by Representatives Schmitten and Wilson) (by Department of Fisheries request):

Revising the laws relating to buy-back of fishing vessels.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 983, by Representatives Charnley, Barnes, Grimm, Burns, Teutsch, Salatino, McGinnis, Oliver, Gruger, Erickson and Patterson:

Setting forth new limitation as to allowable aggregate cost of leaves for community college professional personnel.

Referred to Committee on Higher Education.

HOUSE BILL NO. 989, by Representatives Haley, McCormick, Scott, Tupper, Isaacson and Grimm:

Authorizing utilities and transportation commission to approve lease of utility facilities by a public service company to exempt owner of facilities as being a public utility company under certain federal law.

Referred to Committee on Energy and Utilities.

SUBSTITUTE HOUSE BILL NO. 1008, by Committee on Natural Resources (originally sponsored by Representatives McDonald, Vrooman, Schmitten, Owen and Wilson):

Requiring the department of fisheries to collect data on transfers of commercial fishing vessels and licenses.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 1176, by Committee on Local Government (originally sponsored by Representatives Galloway, Bauer, Heck and Zimmerman):

Setting forth means for authorizing concurrent federal and local jurisdiction over certain federal lands.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1261, by Committee on Institutions (originally sponsored by Representatives Warnke and Blair):

Relating to termination of the parent-child relationship.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1325, by Representatives Garrett and Zimmerman:

Revising the optional municipal code.

Referred to Committee on Local Government.

HOUSE JOINT RESOLUTION NO. 31, by Representatives Oliver, Erickson, Fuller, Gruger, Barnes, Granlund, Sommers, Tupper, Nelson (Dick), Isaacson, Burns, Taller, Brekke, Williams, Valle, Schmitten, Sherman, Nisbet, Addison, Sprague, Haley, Rosbach and Taylor:

Establishing a redistricting commission.

Referred to Committee on Constitution and Elections.

### MOTION

On motion of Senator Marsh, House Bill No. 65 was ordered held on the desk of the Secretary of the Senate.

### MOTIONS

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

On motion of Senator Marsh, the Committee on Rules was relieved from further consideration of Senate Bill No. 2768.

On motion of Senator Marsh, Senate Bill No. 2768 was ordered placed on the second reading calendar for Monday, February 26, 1979.

At 1:20 p.m., the Senate members retired to the House Chamber to meet in Joint Session for the purpose of participating in Memorial Services.

### JOINT SESSION

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

Speaker Berentson instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, John A. Cherberg to a seat on the rostrum.

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

Speaker Berentson called the Joint Session to order and presented the gavel to President of the Senate Cherberg.

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

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

President Cherberg instructed the Sergeants at Arms to escort Senator Sam Guess to a seat on the rostrum.

President Cherberg: "Speaker Berentson, Speaker Bagnariol and other distinguished members of the Washington State Legislature, it is a distinct privilege on this most memorable occasion to present to you the Honorable Sam C. Guess, Senator from the 6th District. Senator Guess is a graduate of the University of Mississippi in civil engineering and after a brilliant career in that field was elected to the Washington State Senate in 1962 and has been serving with distinction since his inauguration in January of 1963. It's indeed a pleasure for me to present to you, Senator Sam C. Guess."

The following memorial services were observed:

**MEMORIAL PROGRAM**

Presiding: President of the Senate John A. Cherberg

**INVOCATION**

by

Representative Earl F. Tilly

"This afternoon I have chosen a portion of Scripture that I feel addresses some of the social concerns that we all have; some of the governance concerns and some of our religious concerns. I'll read Psalms 112.

"Praise ye the Lord. Blessed is the man that feareth the Lord, that delighteth greatly in his commandments.

"His seed shall be mighty upon earth: the generation of the upright shall be blessed.

"Wealth and riches shall be in his house: and his righteousness endureth forever.

"Unto the upright there ariseth light in the darkness: he is gracious, and full of compassion, and righteous.

"A good man sheweth favour, and lendeth: he will guide his affairs with discretion.

"Surely he shall not be moved forever: the righteous shall be in everlasting remembrance.

"He shall not be afraid of evil tidings: his heart is fixed, trusting in the Lord.

"He hath dispersed, he hath given to the poor; his righteousness endureth forever; his horn shall be exalted with honour.

"The wicked shall see it, and be grieved; he shall gnash with his teeth, and melt away: the desire of the wicked shall perish."

"Let us pray: Dear Heavenly Father, we thank You today for sending a select group of people to this Legislature to serve their fellow citizens in the decisions of Washington State. Lord, You have blessed each of us in so many ways. Likewise, our state has been blessed by the dedicated members who we are honoring today. Lord help us to be a blessing to others. You have said, Lord, that one of the great commandments is to love your neighbor as yourself. We pray that You grant us the spirit of humbleness to sincerely carry this out. In this special mission that we are commissioned to carry on for Your people, help us to remember Your Son's words to his disciples, that whoever would be great among you, must first be Your servant. Thank You, Lord, for servants past. We pray that patience and understanding and love will continue in each of us current members. Lord help us serve. Amen."

**EVERGREEN STATE COLLEGE SINGERS**

Joan Winden, Director

Almighty Father ..... Leonard Bernstein

**MEDITATION**

by

Senator Sam Guess

"It is a great honor for me to be asked to speak today. I feel quite humble to address this memorial service. We pause to pay honor to those former members who have preceded us. I have given much thought that my words would be appropriate.

"Down through the ages men have paid honor to their ancestors: Plato's orations stand out; Washington's farewell address, the Gettysburg address by Lincoln—all come to mind, but we do not live in an era when much oratory is given. Simple statements suffice. In recent years these halls have known the likes of a John McCutcheon, a Perry Woodall, and an Ella Wintler. It was my honor to have heard their aspirational speeches. My memory goes back, especially to 1965, when Senator

Lenhart said that, '...inspired speakers were indeed unique; they were creatures of providence, baffling the wit of man to fathom, then passing from our midst with their jobs well done.' Few of us aspire to attain those lofty heights, but all aspire to serve. As we walk the hall above us, on both the wings, and look on the photographs of our predecessors, we know that a common bond of service binds us to them. It is to them this day we pay honor in this service."

**CANDLE SERVICE**

**IN MEMORIAM**

In tribute to the memories of our distinguished members of the House and Senate who have passed from among us during the preceding biennium, the Forty-sixth Legislative Session of the State of Washington conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

**In memory of:**

- Archie Baker
- Guy M. Balfour
- Richard W. Bowden
- Wallace I. Carmichael
- Edward T. Chambers
- Newman H. Clark
- William J. Coyle  
(Lt. Governor)
- C. N. Eaton
- Raymond F. Kelly
- Marjorie Lynch
- Charles Morrison
- Jack H. Petit
- Keiron W. Reardon
- Russel J. Ryan
- Michael B. Smith
- Frank J. Woody

**Tribute by:**

- Representative Richard King
- Senator Gary Odegaard
- Representative Joan Houchen
- Senator Larry L. Vognild
- Representative Helen Fancher
- Senator Ray Moore
- Senator James A. McDermott
  
- Representative Gene Struthers
- Representative Wm. J.S. May
- Representative Jim Whiteside
- Senator Sid Morrison
- Representative John Erak
- Senator Susan E. Gould
- Representative Ted Haley
- Representative John O'Brien
- Senator Ted R. Bottiger

Prayer for America ..... Eugene Butler

**BENEDICTION**

by  
Representative Frances C. North

"Loving God, Creator of us all, and of all that is, we have acknowledged at this place and this hour that You are the author and sustainer of life. As You have given us the gifts of this earth, for instance, our four score years and ten, keep us in Your secure love for eternity. Accept our witness of compassion for those we have memorialized in this service. Keep each of us in Your loving concern as we attempt this day and all the days of our lives to do Your will and way and be accepted into Your kingdom, now and forever. Amen."

Hosanna ..... Randall Thompson  
"Taps" ..... John David Swift  
American Legion Band

**MOTION**

On motion of Senator Guess, the Joint Session was dissolved.  
The President of the Senate returned the gavel to Speaker Berentson.

Speaker Berentson instructed the Sergeants at Arms to escort Lieutenant Governor Cherberg and Senator Guess from the House Chamber.

Speaker Berentson instructed the Sergeants at Arms to escort the Senators from the House Chamber.

The President called the Senate to order at 2:00 p.m.

**MOTION**

At 2:05 p.m., on motion of Senator Odegaard, the Senate adjourned until 11:00 a.m., Monday, February 26, 1979.

**JOHN A. CHERBERG, President of the Senate.**

**SIDNEY R. SNYDER, Secretary of the Senate.**

## FIFTIETH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, February 26, 1979.

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, Hayner, Keefe and Scott. On motion of Senator Jones, Senators Hayner and Scott were excused. On motion of Senator Wilson, Senators Fleming and Keefe were excused.

The Color Guard, consisting of Pages Rhonda Middleton and Lise Pippenger, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD, WE PAUSE IN THIS SACRED MOMENT TO ACKNOWLEDGE THAT YOU ARE THE GIVER OF LIFE AND FREEDOM. THERE IS A DESIRE THAT BURNS DEEP WITHIN EACH OF US TO EXPERIENCE LIFE AT ITS BEST AND TO SING THE JOYFUL SONGS OF FREEDOM. LORD, WE PRAY ESPECIALLY IN THIS MOMENT FOR MEMBERS OF THE SENATE. THE WEEKEND IS PAST AND THEY HAVE RETURNED ONCE MORE TO STRUGGLE WITH AND SEEK SOLUTIONS TO THE PROBLEMS OF THE PEOPLE OF THIS STATE. GRANT TO THEM INSIGHT, WISDOM, AND COURAGE SUFFICIENT TO COMPLETE THE RESPONSIBILITIES BEFORE THEM. AS THEY PROCEED THROUGH THE WORK OF THIS DAY MAY THEY KNOW THAT SPECIAL AND UNIQUE INNER SENSE OF WORKING IN PARTNERSHIP WITH YOU. AMEN."

### MOTION

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

### REPORT OF STANDING COMMITTEE

February 26, 1979.

SENATE BILL NO. 2224, establishing a schedule of early retirement pensions for volunteer firemen (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Morrison, Odegaard, Rasmussen, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

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

### SECOND READING

SENATE BILL NO. 2275, by Senators Keefe, Matson and Morrison:  
Revising laws regulating horse racing.

## MOTIONS

On motion of Senator Morrison, Substitute Senate Bill No. 2275 was substituted for Senate Bill No. 2275 and the substitute bill was placed on second reading and read the second time in full.

Senator Woody moved adoption of the following amendment:

On page 5, line 29, after "section," strike "one-half of one percent" and insert "at least fifty percent".

## POINT OF INQUIRY

Senator Van Hollebeke: "Senator Woody, which tracks in this state would that amendment affect?"

Senator Woody: "That affects all tracks, as I understand it excepting at Longacres."

Senator Van Hollebeke: "Do you know what is the reason for excepting any tracks?"

Senator Woody: "As I understand the bill, the amount over ten percent only refers to tracks excepting Longacres. This bill does not refer to Longacres."

Senator Van Hollebeke: "I am saying, what is the reason for excepting in any amendment the purse structure from any track in this amendment or the bill? Why do you wish to amend the bill in such a way that it affects some of the tracks in the state and not others?"

Senator Woody: "Senator Van Hollebeke, may I refer your question to Senator Morrison? It is, after all, his bill. He is one of the sponsors of the bill."

(Senator Woody deferred to Senator Morrison)

Senator Morrison: "Mr. President and members of the Senate, Senator Van Hollebeke is raising a philosophical question that relates to the entire bill and not just specifically to this amendment. I would suggest perhaps that we handle this amendment and debate the philosophy of the application of some of these rules to tracks all across the state, and I believe you have an amendment pending, Senator Van Hollebeke?"

Senator Van Hollebeke: "Yes, I have, and it just arrived on the desk now. With permission of the body, I would like to ask that this bill be moved down two places and held on second reading on the calendar."

## MOTION

Senator Van Hollebeke moved that further consideration of Substitute Senate Bill No. 2275 together with the proposed amendment by Senator Woody be considered following Senate Bill No. 2768 on today's second reading calendar.

Debate ensued.

The motion by Senator Van Hollebeke failed.

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

Senator Van Hollebeke moved that further consideration of Substitute Senate Bill No. 2275, as amended, be considered following Senate Bill No. 2768.

Debate ensued.

There being no objection, the motion by Senator Van Hollebeke was withdrawn.

## MOTION

At 11:20 a.m., on motion of Senator Walgren, the Senate recessed until 11:58 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:58 a.m.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 2275**, by Committee on Ways and Means (originally sponsored by Senators Keefe, Matson and Morrison):

Revising laws regulating horse racing.

The Senate resumed consideration from earlier today of Substitute Senate Bill No. 2275, as amended.

There being no objection, an amendment by Senator Van Hollebeke to page 6, line 5 on the desk of the Secretary of the Senate was withdrawn.

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Morrison:

On page 5, line 23, after "retain" insert "eleven percent".

## POINT OF INQUIRY

Senator Odegaard: "Senator Shinpoch, would this have any effect on the fiscal note that we have, the revenue impact to these different funds, your amendment?"

Senator Shinpoch: "My understanding is that it will be about two hundred sixty-six thousand dollars less when we take this one percent off the exotic wagering. It comes to just the amount that the state will be, what would you say, making available for all tracks except Longacres. This will be just under a half million dollars.

Senator Odegaard: "So there would be lesser loss of revenue with your amendment?"

Senator Shinpoch: "It will reduce the amount of revenue going from the public to the horsemen and the tracks, yes."

Senator Odegaard: "Thank you."

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

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch and Morrison were considered and adopted simultaneously:

On page 5, line 24, after "machine" strike the colon and insert a period.

On page 5, beginning on line 25, strike all the material down through the period on line 27.

Senator Talley moved adoption of the following amendment:

On page 6, line 13, insert a new section as follows:

**"NEW SECTION.** Section 7. There is added to chapter 67.16 RCW a new section to read as follows:

Notwithstanding any other provision of chapter 67.16 to the contrary, one third of all races authorized by this chapter shall be exclusively for quarter horses."

Re-number the remaining section consecutively.

Debate ensued.

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

Senator Rasmussen moved adoption of the following amendment:

On page 6, line 13, insert a new section as follows:

**"NEW SECTION.** Section. 7. There is added to chapter 67.16 RCW a new section to read as follows:

Notwithstanding any other provision of chapter 67.16 to the contrary, on and after the effective date of this act all breakage shall be paid to the state general fund."

Re-number the remaining section consecutively.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Morrison, why would you say that this would break the tracks when they are handling a million dollar a day handle. Why would a few odd cents break the tracks?"

Senator Morrison: "Well, Senator Rasmussen, for the tracks that are handling a million dollar a day handle, such as Longacres, it perhaps would not break the tracks. But, this bill is really before us because we are concerned about all the other race tracks in the state that are much smaller operations and they have to count every penny, every nickle just to keep the doors open. In fact our figures show that if we do not pass the measure before us that they will very likely be closing their doors. As a consequence, the breakage amount that they now get to keep is important to their fiscal health and your amendment would remove that particular incentive for them and we would have to adjust the figures in the rest of the bill if we are going to keep the doors open."

Senator Rasmussen: "Well, thank you, Senator Morrison."

Further debate ensued.

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

Senator Talley moved adoption of the following amendment:

On page 6, line 13, insert a new section as follows:

"NEW SECTION. Sec. 7. There is added to chapter 67.16 RCW a new section to read as follows:

Notwithstanding any other provision of chapter 67.16 to the contrary, dog racing shall be permitted during such times as the race tracks are not being used for thoroughbred horse racing meets."

## POINT OF INQUIRY

Senator Talley: "Senator Morrison, would you join me in a dog racing bill, Sir?"

Senator Morrison: "No, I would choose not to, Senator Talley, we are having enough trouble with horse racing right now. I was just encouraging you to introduce the bill on your own. You are pretty good at some of these specialized bills, Senator Talley, and you are able to get them through here, so I encourage you to follow through on your right as a legislator, but don't expect me to join you."

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

## MOTION

On motion of Senator Morrison, the rules were suspended, Engrossed Substitute Senate Bill No. 2275 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: "Senator Morrison, you stated that the race tracks are heavily regulated on their charges, does that mean then that they could not increase their charge—their admission charge?"

Senator Morrison: "No, that portion of their income is not regulated, but it really regulated on a very practical basis and that is what the traffic will allow. Longacres now charging two dollars and twenty-five cents and if you can get into the grandstand there is room for you at that price; Yakima Meadows is a dollar fifty, including the grandstand; Playfair is at a dollar, but you pay extra to get into the grandstand. I talked to all the tracks and they feel this is the maximum amount

of admission income that they can charge and a lot of folks just like to go to those races without actually participating in betting."

Senator Odegaard: "Mr. President, may I ask one other question of Senator Morrison? You stated something about towards the end of your talk on this bill, that it would increase revenue to around eight hundred thousand dollars. The fiscal note I have shows a loss of seven hundred and forty-eight thousand dollars. The additional racing days adds some funds to that and then Senator Shinpoch's amendment apparently also helps so there would not be such a loss in revenue. Could you elaborate a little more on how you come up with the eight hundred thousand dollar increase?"

Senator Morrison: "The eight hundred thousand dollar figure that I mentioned, Senator Odegaard, relates to only one year's operation, so you would have to double that to relate to the biennium. Senator Shinpoch's amendment we cooperated on, in fact meant a loss of revenue to the tracks, but did not impact the dollars coming to the general fund, so the figures you have looked at, the loss to the general fund of this measure, again if the world just stood still, is about seven hundred thousand dollars per biennium. However, if the tracks closed, or if everything proceeds as normally will, that is the increased racing days, the increased betting on those racing days, normal growth from one year to the next, that the net gain to the general fund would be 1.6 million dollars. The eight hundred thousand dollar figure I gave you was for just one year.

"Mr. President, while I am still on my feet, Senator Shinpoch has corrected me, I have heard that discussions on the racing commission of the lack of overlap in California, they have changed that so that now there is no overlap between race tracks within southern California and those within the northern California area, so Senator Van Hollebeke is accurate."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Morrison, I do not understand on page 5, subsection (3), 'the remaining increase above ten percent shall be utilized for maintenance of the running surface, parking areas and training and barn facilities.' Is that the state specifying what amount of money they shall pay on private property improvements in that section?"

Senator Morrison: "No, Senator Rasmussen, that is the state saying that of the extra one percent that is available to the tracks under this bill, that there is an agreement as to how the money can be spent. Half of it goes to improve the general purse structure, the other half, indeed, goes to provide for these certain track improvements. This was the request of the horse owners and breeders within the State of Washington, so I am just saying that money belongs to the track and the state is specifying on how they can spend this particular portion."

Senator Rasmussen: "Thank you, Senator Morrison."

Further debate ensued.

#### REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, if I might add one additional word of explanation to Senator Rasmussen, relative to the language starting on line 31, on page 5, relative to maintenance of running surfaces, parking areas, training and barn facilities. Some of us were concerned that the bill was designed to pay for the recently completed Turf Club, if you will at Yakima, and that language was specifically inserted to satisfy our concerns that that was not what the bill was designed to do.

That we were not just putting out a state subsidy to pay for some capital improvements for some private gain, if you will. So the language that is there was inserted for that purpose."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2275 and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, Walgren, Wanamaker, Wojahn, Woody—36.

Voting nay: Senators Conner, Lysen, Odegaard, Pullen, Rasmussen, Talmadge, Van Hollebeke, von Reichbauer, Williams, Wilson—10.

Absent or not voting: Senator Donohue—1.

Excused: Senators Hayner, Keefe—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 341.

### SECOND READING

HOUSE BILL NO. 341, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Correcting double amendments to RCW 18.85.120, 18.85.140, 18.85.150 and 18.85.230.

### MOTION

On motion of Senator Marsh, the rules were suspended, House Bill No. 341 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 Marsh, my concern is you said we should proceed in haste with these. Evidently we proceeded in haste at the last session when we made all these mistakes and they came out of the code reviser's office, by virtue of us sometimes amending on the floor. Are you sure there are no mistakes in these now? Do we have your word of do or die on it?"

Senator Marsh: "To the best of my knowledge there are no mistakes in any of these. I am not going to die on any bill, Senator."

Senator Rasmussen: "Thank you, Senator Marsh."

### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Rasmussen, every session we have the same problem and that is why many of us are a little reluctant to accept floor amendments because we do not do these double checkings."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Further response to Senator Rasmussen, neither Senator Marsh nor I have undertaken the technical job of checking each one of these amendments because in the past we have been able to rely on the code reviser and we are, in substance, doing that again. If we find a mistake, then we are going to have to be after him to change his method of making these presentations to us."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 341 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Hayner, Keefe—2.

HOUSE BILL NO. 341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 342, by Representatives Newhouse, Smith (R.) and Whiteside (By Code Reviser's request):

Correcting double amendment to RCW 21.20.310.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 342 was advanced to third reading, the second 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. 342 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Hayner, Keefe—2.

HOUSE BILL NO. 342, having received the constitutional majority, 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. 343, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Correcting double amendment to RCW 27.28.010 and 27.32.010.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 343 was advanced to third reading, the second 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. 343 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Hayner, Keefe—2.

HOUSE BILL NO. 343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Wilson, Senator Goltz was excused.

### SECOND READING

HOUSE BILL NO. 344, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Correcting double amendments to RCW 43.17.010, 43.17.020, 43.41.110 and 43.51.040.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House bill No. 344 was advanced to third reading, the second 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. 344 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Goltz, Hayner, Keefe—3.

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.

### SECOND READING

HOUSE BILL NO. 345, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Correcting double amendment to RCW 46.37.340, 46.52.030 and 46.70.011.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 345 was advanced to third reading, the second 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. 345 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Goltz, Hayner, Keefe—3.

HOUSE BILL NO. 345, having received the constitutional majority, 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. 346, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Correcting multiple amendment to RCW 82.08.030 and 82.12.030.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 346 was advanced to third reading, the second 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. 346 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Goltz, Hayner, Keefe—3.

HOUSE BILL NO. 346, having received the constitutional majority, 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. 347, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Correcting double amendment to RCW 84.48.010.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 347 was advanced to third reading, the second 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. 347 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Goltz, Hayner, Keefe—3.

HOUSE BILL NO. 347, having received the constitutional majority, 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. 348, by Representatives Newhouse, Smith (R.) and Whiteside (by Code Reviser's request):

Making RCW corrections to Title 28B.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 348 was advanced to third reading, the second 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. 348 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Hayner, Keefe—2.

HOUSE BILL NO. 348, having received the constitutional majority, was declared passed. 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, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 26, 1979.

SUBSTITUTE SENATE BILL NO. 2023, creating a personnel appeals board and setting out its powers and duties (reported by Committee on Rules):

MAJORITY recommendation: That Substitute Senate Bill No. 2023 be rereferred to the Committee on Ways and Means.

Signed by: Senators Cherberg, Chairman; Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

February 26, 1979.

SENATE BILL NO. 2996, authorizing procurement of Heart Lake property for state park purposes (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2996 be rereferred to the Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Ways and Means.

#### MOTION

At 12:54 p.m., on motion of Senator Marsh, the Senate adjourned until 10:30 a.m., Tuesday, February 27, 1979.

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

**FIFTY-FIRST DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Tuesday, February 27, 1979.

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 Benitz, Fleming, Keefe, Pullen, Sellar and Van Hollebeke. On motion of Senator Lewis, Senator Pullen was excused. On motion of Senator Walgren, Senators Fleming, Keefe and Van Hollebeke were excused.

The Color Guard, consisting of Pages Abby Lam and Scott Thrasher, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, THE NIGHT IS GONE AND THE GIFT OF MORNING IS OURS. THE DARKNESS IS ABSENT AND THE GIFT OF LIGHT HAS COME FOR YET ANOTHER DAY. WE UNASHAMEDLY SEEK YOUR DIVINE GUIDANCE IN ORDER THAT WE MIGHT USE THIS UNIQUE GIFT OF CREATION TO ITS FULLEST. WE PRAY FOR LIEUTENANT GOVERNOR CHERBERG AND FOR EACH OF OUR SENATORS. AS THEY MOVE THROUGH THESE MOMENTS OF LIGHT, FREE EACH OF THEM TO CALL FORTH THE BEST IN THEIR COLLEGES REGARDLESS OF POLITICAL PERSUASION. FREE THEM TO EXPERIENCE THAT GREAT SENSE OF INNER PEACE WHICH COMES FROM KNOWING THAT WHETHER ANYONE ELSE UNDERSTANDS OR NOT, THEY HAVE DONE THEIR BEST IN THE STRUGGLE FOR JUSTICE AND FREEDOM.

"IN THE NAME OF HIM WHO MAKES US FREE. AMEN."

**MOTION**

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

**MOTION**

On motion of Senator Marsh, the following committee reports were referred to the Committee on Rules with exceptions as noted on the reports.

**REPORTS OF STANDING COMMITTEES**

February 27, 1979.

INITIATIVE NO. 61, establishing a minimum refundable deposit on certain beverage containers to promote their reuse and recycling (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Williams, Chairman; Goltz, North, Scott.

MINORITY recommendation: Do not pass.

Signed by: Senators Donohue, Guess, Hansen.

Passed to Committee on Rules for second reading.

February 26, 1979.

SENATE BILL NO. 2243, authorizing a bond issue for institutions of higher education (reported by Committee on Higher Education):

Recommendation: Be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 26, 1979.

SENATE BILL NO. 2248, authorizing a bond issue for Washington State University (reported by Committee on Higher Education):

Recommendation: Be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 26, 1979.

SENATE BILL NO. 2249, authorizing a bond issue for the commission for vocational education (reported by Committee on Higher Education):

Recommendation: Be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 26, 1979.

SENATE BILL NO. 2250, authorizing a bond issue to fund community college capital projects (reported by Committee on Higher Education):

Recommendation: Be rereferred to Committee on Ways and Means.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Rereferred to Committee on Ways and Means.

February 26, 1979.

SENATE BILL NO. 2477, modifying the definition of marine employees (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2477 be substituted therefor, and that Substitute Senate Bill No. 2477 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Guess, Hansen, Lee, Peterson.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, creating a joint legislative committee to review agency rules (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED HOUSE BILL NO. 30, establishing a method by which certain criminal cost bills will be paid by the state (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 31, requiring the legislature to pay the department of general administration for use of buildings and services (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 33, establishing certain fees relating to corporations which may be charged by the secretary of state (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 23, 1979.

ENGROSSED HOUSE BILL NO. 46, providing for promoting markets for state agricultural products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Wanamaker, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 76, clarifying grant of home rule power to local governments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 78, relating to special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 82, regulating cemetery prearrangement contracts (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 88, screening for scoliosis (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

**SUBSTITUTE HOUSE BILL NO. 112**, establishing a schedule for sunset review (reported by Committee on State Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Gallagher, Gould, McDermott.

Passed to Committee on Rules for second reading.

February 27, 1979.

**HOUSE BILL NO. 127**, modifying the Washington Sunset Act of 1977 (reported by Committee on State Government):

**Recommendation:** Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**HOUSE BILL NO. 138**, revising references to the powers and duties of the department of licensing (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**SUBSTITUTE HOUSE BILL NO. 139**, providing deadlines for local governments to approve special purpose districts' comprehensive plan (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 26, 1979.

**HOUSE BILL NO. 141**, clarifying the law on proportional registration (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**HOUSE BILL NO. 145**, including "campers" within the unfair motor vehicle business practices act (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**SUBSTITUTE HOUSE BILL NO. 156**, relating to fiscal notes and appropriation clauses on legislation mandating expenditures by state or local units of government (reported by Committee on Local Government):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 27, 1979.

**SUBSTITUTE HOUSE BILL NO. 163**, adding lay member to the veterinary board of governors (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**HOUSE BILL NO. 167**, deleting special weight permits from single cab cards (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**SUBSTITUTE HOUSE BILL NO. 194**, mandating responsibility in program development and budgetary considerations in use of services and activities fees (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Odegaard, Scott, Shinpoch.

Passed to Committee on Rules for second reading.

February 26, 1979.

**HOUSE BILL NO. 196**, increasing the interest rate for delinquent reciprocal or proportional registration fees (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

**SECOND SUBSTITUTE HOUSE BILL NO. 204**, establishing a criminal justice division and council in the governor's office (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

**ENGROSSED HOUSE BILL NO. 226**, authorizing certain reciprocity tuition and fee waivers with the state of Oregon (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1979.

**HOUSE BILL NO. 380**, providing new and revised state highway numbers and descriptions (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 398, insuring that community college board trustees serve until their successors are appointed and qualified (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 486, authorizing sale of certain second class shorelands by the state (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 541, updating the state building code (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

HOUSE BILL NO. 585, abolishing and transferring duties of institute of forest products to an institute of forest resources (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1979.

ENGROSSED HOUSE BILL NO. 636, revising the limits of areas near airports studied for aircraft noise impact (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 26, 1979.

HOUSE BILL NO. 691, authorizing exclusion of certain WSU extension service employees from state employees' insurance and health care plan (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 729, modifying the laws on panel medicine plans for state employees (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1979.

HOUSE BILL NO. 759, permitting job recruitment expenditures by libraries (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 796, permitting Seattle to charge admission to the hydroplane races (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 815, revising laws relating to substitutions of prescription drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 26, 1979.

HOUSE BILL NO. 860, revising the guidelines for decisions of boundary review boards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 1176, setting forth means for authorizing concurrent federal and local jurisdiction over certain federal lands (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

February 26, 1979.

DAVID P. ALCORTA, to the position of member of the Commission on Vocational Education, appointed by the Governor on April 4, 1977 for the term ending July 1, 1979, succeeding Ms. Socorra Rocha (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer

Passed to Committee on Rules.

MESSAGE FROM THE  
SECRETARY OF STATE

February 26, 1979.

SECRETARY OF THE SENATE,  
THE LEGISLATURE OF THE STATE OF WASHINGTON,  
OLYMPIA, WASHINGTON

DEAR SIR:

On February 19, 1979, this office certified Initiative 61 to both houses of the state legislature and forwarded copies of the initiative to each house.

On page 6 of the Initiative, in section 16, subsection D. the words "or other assistance" appear in pencil following the words "equitable compensation". These words were inserted in error. The sponsor had considered inserting that additional language at one time but subsequently reconsidered, and the Initiative, as officially filed in this office on April 24, 1978, does not contain these additional words. The correct text of the Initiative is as appears in the enclosed copy.

We regret any confusion this may have caused the legislature in their consideration of Initiative 61.

Sincerely,  
BRUCE K. CHAPMAN  
Secretary of State  
Donald F. Whiting  
Supervisor of Elections

## INITIATIVE TO THE LEGISLATURE 61

AN ACT Relating to solid waste management, establishing a minimum refundable deposit on beverage containers to promote their reuse and recycling; adding a new chapter to Title 70 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. This chapter shall be known and may be cited as the Returnable Beverage Container Act.

NEW SECTION. Sec. 2. The people of the state of Washington find that the failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important energy and material resources. The littering of empty beverage containers constitutes a public nuisance, a safety hazard, and esthetic blight and imposes upon public and private agencies in this state unnecessary costs for the removal and collection of such containers. Empty beverage containers constitute a significant and rapidly growing proportion of municipal solid waste, whose disposal imposes a severe financial burden on municipal governments. The reuse and recycling of empty beverage containers would eliminate these unnecessary burdens on individuals, local governments, and the environment. A uniform system for requiring a refund value on the sale of all beverage containers in this state would result in a high level of reuse and recycling of such containers when empty.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Beverage" means beer, ale, or other malt drink of whatever alcoholic content, and mineral water, soda water, and similar carbonated soft drinks of any variety, in liquid form and intended for human consumption, but does not include dairy products, fruit juices, wine, or spirits.

(2) "Beverage container" means an airtight container sealed by the manufacturer and designed to contain a beverage under pressure of carbonation, including,

but not limited to, containers of metal, glass, plastic, or a combination of these, but does not include cups and other open receptacles.

(3) "Consumer" means any person who purchases a beverage in a beverage container for any use other than resale.

(4) "Dealer" means any person, including the operator of a vending machine, who sells, offers to sell, or engages in the sale of beverages in beverage containers to consumers in this state.

(5) "Department" means the department of ecology of the state of Washington.

(6) "Distributor" means any person who sells or offers for sale beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales.

(7) "Manufacturer" means any person bottling, canning, or otherwise filling beverage containers for sale to distributors or dealers.

(8) "Recycling center" means an operation at a specific location, or a related service established pursuant to section 8 or 9 of this act, where any person may redeem the amount of the deposit for any empty beverage container.

NEW SECTION. Sec. 4. (1) Every beverage container sold or offered for sale to a consumer in this state shall have a refund value of not less than five cents.

(2) Except as provided in subsection (3) of this section, every beverage container sold or offered for sale in this state by a dealer shall clearly and prominently indicate by embossing, stamping, labeling, or other method of secure attachment to the beverage container on a place other than the bottom: (a) The refund value; (b) the words "return for deposit"; and (c) the name of this state. Metal beverage containers shall be clearly and prominently embossed or stamped on the top of the container.

(3) The requirement in subsection (2) of this section does not apply to refillable glass beverage containers manufactured before the effective date of this act which have a brand name permanently marked on them and a refund value of not less than five cents.

NEW SECTION. Sec. 5. Except as provided in sections 6 and 10 of this act:

(1) A dealer, or a recycling center established under section 9 of this act to provide the total refund service for a dealer, may not refuse to accept from any person any empty beverage container of the kind, size, and brand sold by the dealer, or refuse to pay in cash upon request to that person, the refund value of the beverage container as established by section 4 of this act.

(2) A distributor may not refuse to accept from a dealer or a recycling center any empty beverage container of the kind, size, or brand sold by the distributor in this state, or refuse to pay the dealer or recycling center the refund value of the beverage container as established by section 4 of this act.

(3) A manufacturer may not refuse to accept from a dealer, recycling center, or distributor any empty beverage container of the kind, size, and brand sold by the manufacturer, or refuse to pay the dealer, recycling center, or distributor the full refund value as established by section 4 of this act.

(4) In addition to the payment of the refund value, the distributor accepting beverage containers under subsection (2) of this section and the manufacturer accepting beverage containers under subsection (3) of this section, shall reimburse the dealer or recycling center for handling the beverage containers in an amount to be set by the Washington state legislature that is not less than one cent per returned container. If the legislature does not set this amount prior to the effective date of this act, the minimum amount of one cent per container shall be the handling reimbursement fee.

(5) The department shall review the adequacy of the amount of reimbursement given to recycling centers and dealers in subsection (4) of this section and shall submit any recommended changes to the regular sessions of the Washington state legislature.

**NEW SECTION.** Sec. 6. A dealer, recycling center, distributor, or manufacturer may refuse to accept any empty beverage container which does not state thereon the name of this state and a refund value as established by section 4 of this act, which contains material foreign to the normal contents of the container, or which, if glass, is broken. Cans may be crushed but must be intact and the brand name must be recognizable to qualify for refund.

**NEW SECTION.** Sec. 7. No beverage shall be sold or offered for sale to consumers in this state in a metal beverage container a part of which is designed to be detached in order to open such container.

**NEW SECTION.** Sec. 8. Recycling centers to refund deposits on beverage containers, at which consumers may return empty beverage containers and receive payment of the refund value, may be established and operated by any person. Persons wishing to operate such a recycling center shall register with the department.

**NEW SECTION.** Sec. 9. (1) A dealer, group of dealers, or a recycling center established under section 8 of this act may file an application with the department for approval of a recycling center or centers to provide the total refund service for the dealer or dealers. The application shall state: The name and address of the person or persons responsible for the establishment and operation of the center; the kinds, sizes, and brand names of beverage containers which will be accepted; and the names and addresses of dealers to be served and their distances from the recycling center.

(2) The department shall give due notice to the public and other affected parties of the application and, if petitioned by ten or more people, shall hold a public hearing in the area affected. If after investigation and hearing the department determines that the recycling center would provide a convenient service to both the dealer and consumers for the return of empty beverage containers, the application shall be approved. The order of the department approving the recycling center shall state the dealers to be served and the kind, size, and brand names of empty beverage containers which the recycling center must accept. The order may contain such other reasonable provisions as the department may determine to be necessary to ensure that the recycling center will provide a convenient service to the public.

(3) A list of the dealers served and the kind, sizes, and brand names of empty beverage containers accepted shall be prominently displayed at each recycling center.

(4) A dealer served by a recycling center shall prominently display within the view of the consumer at the time of sale of a beverage in a beverage container the location, distance from the dealer, hours of operation, and the name of the recycling center that serves the dealer.

(5) The department may review the approval of a recycling center established under this section at any time. After written notice to the person or persons responsible for the establishment and operation of the recycling center and to the dealers served by the recycling center, the department may, after hearing, withdraw approval of the recycling center if the department finds that there has not been compliance with the approval order or if the recycling center no longer provides a convenient service to the public.

**NEW SECTION.** Sec. 10. A dealer may refuse to accept from a consumer or other person and to pay the refund value of any beverage container, if the place of business of the dealer and the kind, size, and brand of beverage container are included in an order of the department approving a recycling center under section 9 of this act.

NEW SECTION. Sec. 11. Any dealer selling a beverage in a beverage container solely for consumption on the premises of the dealer may elect not to charge a deposit at the time of sale, and if so electing, shall not be required to pay a refund for accepting that empty beverage container back.

NEW SECTION. Sec. 12. Every operator of a vending machine which sells beverages in beverage containers shall post a conspicuous notice on each vending machine indicating that a refund value of not less than five cents is available on each beverage container purchased and where, how far away, and from whom that refund may be obtained.

NEW SECTION. Sec. 13. (1) The department is hereby empowered to promulgate such rules and regulations in accordance with chapter 34.04 RCW as may be necessary to carry out the provisions of this chapter.

(2) Decisions of the department, other than rule-making, shall be subject to review in accordance with chapter 43.21B RCW.

(3) The department shall promulgate such rules and regulations as needed for implementation of this chapter no later than one year prior to the effective date of this act. Such rules and regulations shall take effect on the effective date of this act.

NEW SECTION. Sec. 14. Any person found guilty of willfully violating any of the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars or more than one thousand dollars and costs. Every day a violation occurs is a separate offense.

NEW SECTION. Sec. 15. If any provision of this act of 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. 16. The department, in cooperation with other state agencies, shall submit to the legislature no later than one year prior to the effective date of this act a report that includes potential legislation or other programs which would accomplish the following objectives: a. the maximum reuse via rewashing and refilling of all glass beverage containers and the maximum recycling of all other beverage containers returned under this act;

b. the maximum reuse and recycling of other beverage containers not included under this act;

c. the enhancement of recycling of other materials present in recoverable quantities in the solid waste stream via recycling centers set up under this act;

d. equitable compensation to workers who may be displaced by this act;

e. changes in the B.&O. tax and other taxes assessed recycling centers that would enhance their economic viability.

NEW SECTION. Sec. 17. Except as provided in section 13(3) and section 16 of this act:

(1) This act shall take effect April 1, 1981, if passed by the legislature in its 46th regular session; or

(2) This act shall take effect Jan. 1, 1982, if adopted by the people in the general election of 1979.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 70 RCW.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of gubernatorial appointments.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS MOTION

On motion of Senator von Reichbauer, the appointment of Durand D. Cox as a member of the State Parks and Recreation Commission was confirmed.

#### APPOINTMENT OF DURAND D. COX

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Fleming, Keefe, Pullen, Van Hollebeke—4.

#### MOTION

On motion of Senator Day, the appointment of Lars Hennum as a member of the State Board of Pharmacy was as confirmed.

#### APPOINTMENT OF LARS HENNUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Benitz—1.

Excused: Senators Fleming, Keefe, Pullen, Van Hollebeke—4.

#### MOTION

On motion of Senator Day, the appointment of Arthur M. Zoloth as a member of the State Board of Pharmacy was confirmed.

#### APPOINTMENT OF ARTHUR M. ZOLOTH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Benitz—1.

Excused: Senators Fleming, Keefe, Pullen—3.

## MOTION

On motion of Senator Jones, Senator Benitz was excused.

## MOTION

On motion of Senator Goltz, the appointment of Donald K. Anderson as a member of the Board of Trustees, Community College District No. 19, was confirmed.

## APPOINTMENT OF DONALD K. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senator Hayner—1.

Excused: Senators Benitz, Fleming, Keefe, Pullen—4.

## MOTION

On motion of Senator Goltz, the appointment of Charles D. Kilbury as a member of the Board of Trustees, Community College District No. 19, was confirmed.

## APPOINTMENT OF CHARLES D. KILBURY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 3; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Jones, Lee, Lysen, Marsh, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senators Matson, Morrison—2.

Absent or not voting: Senators Guess, Hayner, Lewis—3.

Excused: Senators Benitz, Fleming, Keefe, Pullen—4.

## MOTION

On motion of Senator Goltz, the appointment of William J. O'Neil as a member of the Board of Trustees, Community College District No. 21, was confirmed.

## APPOINTMENT OF WILLIAM J. O'NEIL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

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

Excused: Senators Fleming, Keefe—2.

#### MOTION

On motion of Senator Goltz, the appointment of Alan P. Vandever as a member of the Board of Trustees, Community College District No. 22, was confirmed.

#### APPOINTMENT OF ALAN P. VANDEVERT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

#### MOTION

At 11:12 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

#### NOON SESSION

The President called the Senate to order at 12:00 noon.

#### MOTION

At 12:02 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, February 28, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 28, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Julie Blakney and Trista Bernsten, presented the Colors. Reverend Richard Hart, pastor of the Baptist Church of Olympia, offered the following prayer:

"FATHER, WHEN WE PAUSE TO REFLECT ON ALL THE STRIFE AND GOVERNMENTAL TURMOIL HAPPENING AROUND THE WORLD, WE ARE REMINDED THAT IN THIS GREAT CHAMBER, INDEED WE ARE PEOPLE WHO ENJOY A POSITION OF FREEDOM AND PRIVILEGE. WE PRAY FOR PEACE FOR THOSE WHO SUFFER FROM THE DEVASTATING HORRORS OF THE STRUGGLE OF OTHERS TO BE IN A POSITION OF POWER AND CONTROL. EASE THE UNWELCOMED BURDEN OF THOSE WHO ARE SIMPLY TRAPPED. BUT WE ALSO WANT TO PRAY FOR OURSELVES THAT WE NOT MISUSE OR TAKE FOR GRANTED THIS GREAT FREEDOM WHICH SURROUNDS US. EVEN HERE IN THE SENATE, FREE US FROM THE DULL ROUTINENESS THAT SLOWLY BUT SURELY TAKES ITS TOLL. CALL FORTH IN EACH OF THESE OUR LEADERS SHARPNESS OF MIND, FULLNESS OF TALENT, AND PURITY OF MOTIVE, IN ORDER THAT THEY MIGHT FULFILL THE HIGH PURPOSE TO WHICH THEY WERE ELECTED, BEING SERVANTS OF THE PEOPLE. ADD YOUR BLESSING TO EACH OF THEM THIS DAY. IN THE NAME OF JESUS THE CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

February 27, 1979.

SENATE BILL NO. 2014, regulating solar energy (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2014 be substituted therefor, and that Substitute Senate Bill No. 2014 do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Woody.

Passed to Committee on Rules for second reading.

February 27, 1979.

SENATE BILL NO. 2333, modifying tort and product liability law (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2333 be substituted therefor, and that Second Substitute Senate Bill No. 2333 do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1979.

SENATE BILL NO. 2465, prorating on a twelve-month basis the retirement credit of classified employees of institutions of higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2465 be substituted therefor, and that Second Substitute Senate Bill No. 2465 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1979.

SENATE JOINT MEMORIAL NO. 106, requesting federal aid for the Milwaukee Railroad (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Conner, Gallagher, Guess, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

SENATE CONCURRENT RESOLUTION NO. 112, enunciating a state transportation policy (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Guess, Lee, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 4, providing for records on adopted children (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 6, exempting locomotive operator from the need for a driver's license (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 16, authorizing local governments to administer senior citizen programs (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 56, authorizing local governments to enter program for self-insurance, risk management, and joint insurance (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Fleming, Moore, North, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 69, repealing sections authorizing forest tree nursery at Washington State University (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 77, providing for the dissolution of inactive special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 79, establishing procedures for disposing of surplus reading materials by libraries and school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED HOUSE BILL NO. 86, regulating debt adjusters (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 96, facilitating ride sharing operations (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 105, setting standards for the escrow officer's examination (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 109, regulating insurance policy cancellations (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED HOUSE BILL NO. 113, modifying procurement procedures for state vocational rehabilitation programs (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 114, making persons handicapped by lung disease eligible to receive a handicapped driver's card (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 131, providing for board members after the merger of special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 132, permitting the board to designate a treasurer in special purpose districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 133, modifying special purpose district contract and bid procedures (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Fleming, Moore, Sellar, Talley.

MINORITY recommendation: Do not pass.

Signed by: Senators Bluechel, Lee.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 140, increasing port district levy flexibility (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 164, making technical corrections in motor vehicle licensing and registration laws (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Guess, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 175, extending the limitation on commercial salmon licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 186, eliminating report filing for shippers of Christmas trees sold out of state (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 188, requiring selective removal of snags (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 195, revising laws relating to savings and loan associations (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 201, allowing applications for change in classification as resident student for college fee purposes to be made up to thirtieth day of quarter or semester (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 248, allowing executive sessions for the disposition of real estate (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bluechel, Fleming, Moore, Sellar, Talley.

MINORITY recommendation: Do not pass.

Signed by: Senators Wilson, Chairman; Lee.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 249, implementing the National Health Planning and Resources Development Act of 1974 (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 26, 1979.

**SUBSTITUTE HOUSE BILL NO. 264**, defining the patient's right to withhold or withdraw life-sustaining medical procedures in terminal illnesses (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 319**, authorizing waiver of fees for university or college employees taking courses thereat, but limited to space available basis (reported by Committee on Higher Education):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Goltz, Chairman; Benitz, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1979.

**ENGROSSED HOUSE BILL NO. 329**, permitting certain bus stop signs (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1979.

**HOUSE BILL NO. 331**, authorizing the department of game to retain fees charged for informational material published by the department (reported by Committee on Natural Resources):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

**SUBSTITUTE HOUSE BILL NO. 333**, establishing a two-year program restricting salmon charter boat fishing (reported by Committee on Natural Resources):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Quigg, Talley, Vognild.

**MINORITY recommendation:** Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 363**, providing that school district inservice training task forces contain certificated classroom teachers (reported by Committee on Education):

**Recommendation:** Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 367**, having state board of education examine and accredit all public schools within a school district (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 413, modifying the law on the purchase and sale of real property by school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 415, permitting cities to designate an officer to conduct local assessment hearings (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 419, authorizing sale of liquor at faculty center at University of Washington (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 440, authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 460, regulating processing and transportation of specialized forest products (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 482, modifying restriction on certificates of deposit issued by savings banks (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED HOUSE BILL NO. 588, authorizing issuance of certain limited licensees to sell insurance (reported by Committee on Financial institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 602, permitting reliance on a CPA's audit in an insurance examination (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 624, regulating certain controlled substances (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 663, creating program of remediation assistance to public school students who are deficient in basic skills achievement (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 677, providing an allowance for clothing and incidentals for a sheriff and deputies (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 735, modifying valuation and nonforfeiture provisions for insurance contracts (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 749, providing for issuance of refunding bonds in exchange for outstanding Spokane River toll bridge revenue bonds held by certain retirement systems (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Lee.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 788, authorizing affiliated banks or trust companies to form common trust funds for investments (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED HOUSE BILL NO. 795, authorizing the state college and state universities to issue charitable gift annuities (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

ENGROSSED HOUSE BILL NO. 802, modifying the definition of "debenture company" (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 803, permitting the supervisor of banking to establish guidelines for use of unissued shares of capital stock (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 806, authorizing the supervisor of banking to issue cease and desist orders against mutual savings banks engaging in certain practices (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 808, permitting corporations doing a trust business to deposit securities held in trust in other banks and trust companies (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 829, increasing the funding of family court (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 874, revising laws relating to the forest fire advisory board (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 875, increasing the amounts that banks and trust companies may invest in real estate (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

HOUSE BILL NO. 952, modifying liability of banks and trust companies for adverse claims on deposits (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 962, revising the laws relating to buy-back of fishing vessels (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 983, setting forth new limitation as to allowable aggregate cost of leaves for community college professional personnel (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Scott, Shinpoeh.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 1008, requiring the department of fisheries to collect data on transfers of commercial fishing vessels and licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Lee, Lysen, Quigg, Talley, Vognild.

MINORITY recommendation: Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 1325, revising the optional municipal code (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7, providing alternative methods of framing a "Home Rule" charter (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Fleming, Lee, Moore, Sellar, Talley.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 27, 1979.

MELVIN M. STEWART, to the position of member of the Board of the Pilotage Commissioners, appointed by the Governor on December 27, 1977, for the term ending December 26, 1980, succeeding himself (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

Passed to Committee on Rules.

February 27, 1979.

CHESTER A. RICHMOND, to the position of member of the Board of the Pilotage Commissioners, appointed by the Governor on December 19, 1978 for the term ending December 26, 1981, succeeding Kenneth A. Ayers (reported by the Committee on Transportation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules.

February 28, 1979.

S. L. CHASE, to the position of member of the State Board for Community College Education, appointed by the Governor on May 17, 1977 for the term ending April 3, 1980, succeeding Dr. James Otto (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Benitz, Scott, von Reichbauer.

Passed to Committee on Rules.

February 27, 1979.

ALDO J. BENEDETTI, to the position of member of the Utilities and Transportation Commission, appointed by the Governor on April 23, 1979 for the term ending January 1, 1985, succeeding Elmer Huntley (reported by the Committee on Energy and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Lysen, North.

Passed to Committee on Rules.

#### MESSAGE FROM JOINT COMMITTEES ON TRANSPORTATION

February 28, 1979.

TO: Washington State Senate  
FROM: Senate Committee on Transportation  
SUBJECT: Sunset report on vessel regulation

In accordance with the Sunset Act of 1977, the Senate and House Transportation Committees met jointly to discuss the vessel regulation activities of the Department of Labor and Industries.

In the past, the department has applied these regulations to both passenger carrying and work boats which ply the inland lakes of the state. The program has consisted of vessel inspection and an examination and licensing program for operators of those vessels.

After reviewing the report of the Legislative Budget Committee and discussing the situation with the department and the affected vessel operators, the Committees recommended a considerable modification of the program. The vessel inspection program is appropriate for vessels carrying passengers for hire. The work boats are already subject to workplace inspection under WISHA, and should not be subject to redundant regulation. Vessel operators can be licensed by the United States Coast Guard, and at the recommendation of the Office of Financial Management, we recommend that licensing of vessel operators be handled by that organization. These concepts are embodied into SSB 3100, which passed on the Senate Consent Calendar, and is now before the House.

Signed by: Senators Al Henry, Chairman; Talley, Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Van Hollebeke, von Reichbauer, Wanamaker.

#### MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

#### NOON SESSION

The President called the Senate to order at 12:05 p.m.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 27, 1979.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2111 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as last amended by section 1, chapter 347, Laws of 1977 ex. sess. and RCW 82.04.291 are each amended to read as follows and, as amended, shall be recodified as a section of chapter 84.33 RCW:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and (~~December 31, 1978~~) June 30, 1981, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or

contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax account A and state timber tax reserve account as follows:

YEAR OF COLLECTION	ACCOUNT A	RESERVE ACCOUNT
1973 through 1982	100%	0%
1983 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in the state timber tax reserve account. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve account pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such account to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

Sec. 2. Section 6, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 347, Laws of 1977 ex. sess. and RCW 84.33.060 are each amended to read as follows:

In each year commencing with 1972 (~~and ending with 1981~~), solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the dollar rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

YEAR	PORTION OF TIMBER ROLL
1972 through 1977	100%
1978 <u>and thereafter</u>	80%
<del>((1979</del>	<del>60%</del>
<del>1980</del>	<del>40%</del>
<del>1981</del>	<del>20%</del>
<del>1982 and thereafter</del>	<del>None))</del>

Sec. 3. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 347, Laws of 1977 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 1981~~), the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978 and thereafter	80%
<del>((1979</del>	<del>60%</del>
<del>1980</del>	<del>40%</del>
<del>1981</del>	<del>20%</del> )

On or before December 31 of each year commencing with 1972 (~~and ending with 1981~~), 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, 1982~~), the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion and pay into the state general fund for the support of the common schools the state's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax account A collected upon timber harvested in the preceding calendar quarter, but in no event shall any such quarterly payment to a taxing district, when added to such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax account A, if any, on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, 1982 shall be transferred to the state timber tax reserve account.

(3) If the balance in state timber tax account A immediately prior to such twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber tax reserve account to state timber tax account A.

(4) If, after the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve account exceeds two million dollars, the amount

of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve account, for activities undertaken by the department of revenue forest tax division and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter. If following the transfer, if any, from the state timber tax account A (pursuant to subsection (2) of this section) in November of 1977 and each year thereafter, the balance in the state timber tax reserve account exceeds two million dollars, the department of revenue shall determine on or before December 31 of such year, an amount to be distributed to the taxing districts the following calendar year, which distribution shall be determined in the following manner: PROVIDED, That the amount of such excess reserve account distribution shall be limited to that amount which, when added to the total account A distribution for the same calendar year, will allow a percentage increase or decrease in total calendar year distributions equal to the percentage increase or decrease in excise tax collections between the preceding calendar year and the current calendar year:

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve account, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber tax reserve account such additional one-fourth amount due the state.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

Sec. 4. Section 9, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.200 are each amended to read as follows:

(1) The legislature shall review the system of distribution and allocation of all timber excise tax revenues in January, 1975 and each year thereafter to provide a uniform and equitable distribution and allocation of such revenues to the state and local taxing districts.

(2) In order to allow legislative review of the rules and regulations to be adopted by the department of revenue establishing the stumpage value index provided for in RCW 82.04.291(3), such rules and regulations shall be effective not less than sixty days after transmitting to the staffs of the senate and house ways and

means committees (or their successor committees) the same proposed rules and regulations as shall have been previously filed with the office of the code reviser pursuant to RCW 34.04.025(1)(a).

~~((3) The ways and means committees of the house and senate, with the advice of the department of revenue, the department of natural resources, office of the superintendent of public instruction, county government, and affected landowners, shall review the yield tax rate and rate structure prior to December 31, 1978, and shall recommend modification of the rate and rate structure as necessary so that timber bears an equitable and proportionate tax share in conformance with the provisions of this chapter:)~~

(3) In the event that a permanent timber tax rate is not set in 1979, a joint timber tax advisory committee shall be established. The joint advisory committee shall be composed of members of the house of representatives and the senate and co-chaired by a member of the house revenue committee and a member of the senate ways and means committee. The joint advisory committee shall recommend a rate level and distribution system on or before the convening of the forty-seventh legislature.

(4) The department of revenue and the department of natural resources shall make available to the revenue committees of the senate and house of representatives of the state legislature information and data, as it may be available, pertaining to the status of forest land grading throughout the state, the collection of timber excise tax revenues, the distribution and allocation of timber excise tax revenues to the state and local taxing districts, and any other information as may be necessary for the proper legislative review and implementation of the timber excise tax system, and in addition, the departments shall provide an annual report of such matters in January of each year to such committees.

NEW SECTION. Sec. 5. Section 9, chapter 123, Laws of 1975-'76 2nd ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 6. The tax rate provided in RCW 82.04.291 applies retrospectively to January 1, 1979.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2111.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2111, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallaghan, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—47.

Voting nay: Senator Wilson—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2111, 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, the Senate commenced consideration of House Bill No. 26.

### SECOND READING

HOUSE BILL NO. 26, by Representatives Valle, Gruger, Douthwaite and Pruitt (by request of the Committee on Ecology of the 45th Legislature):

Relating to highways.

The bill was read the second time by sections.

On motion of Senator Williams, the rules were suspended, House Bill No. 26 was advanced to third reading, the second 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. 26, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 26, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 187.

### SECOND READING

HOUSE BILL NO. 187, by Representatives Vrooman, Fuller, Schmitten and Teutsch:

Authorizing the department of natural resources to exchange surplus administrative land for certain purposes.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended House Bill No. 187 was advanced to third reading, the second 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. 187, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 187, having received the 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. 2111.

#### MOTION

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

#### MOTIONS

On motion of Senator Van Hollebeke, the Committee on State Government was relieved from further consideration of House Bill No. 792.

On motion of Senator Van Hollebeke, House Bill No. 792 was rereferred to the Committee on Commerce.

#### MOTION

At 12:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, March 1, 1979.

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

**FIFTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 1, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Cheri King and Turner Bluechel, presented the Colors. Reverend Richard Hart, pastor of the Baptist Church of Olympia, offered the following prayer:

"LORD, ANOTHER DAY IS OURS AND WE ARE IN THE FORMAL PROCESS OF BEGINNING YET ANOTHER DAY'S WORK. THE STRUGGLE GOING ON WITHIN IS JUST EXACTLY WHERE YOU FIT INTO THE WHOLE SCHEME OF WHAT HAPPENS HERE. THERE ARE MOMENTS WHEN WE FEEL YOUR PRESENCE, BUT AT OTHER TIMES IT APPEARS YOU ARE NOWHERE TO BE FOUND. REASSURE US ONCE MORE THAT YOU ARE HERE AND MAKE US AWARE OF YOUR SUPREME LOVE AND INTEREST IN THE BUSINESS OF THIS DAY. THE PROBLEMS ARE MANY AND COMPLEX. SOLUTIONS STILL APPEAR TO BE IN THE FUTURE, BUT FREE US FROM USING THAT AS AN EXCUSE FOR OUR OWN LACK OF COURAGE. THANK YOU FOR THOSE BEFORE US WHO COULD NEVER GIVE UP ON WHAT THEY DEEPLY BELIEVED TO BE RIGHT AND JUST, EVEN IN THE FACE OF OVERWHELMING OPPOSITION. IF FINDING THE RIGHT SOLUTION MEANS MARCHING TO THE BEAT OF A DIFFERENT DRUM, GIVE US THIS DAY, AND THE DAYS AHEAD, THE COURAGE TO DO JUST THAT. AMEN."

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 28, 1979.

SENATE BILL NO. 2240, modifying the retirement systems of public employees, teachers, and state patrol officers (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2240 be substituted therefor, and that Substitute Senate Bill No. 2240 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1979.

SENATE BILL NO. 2451, relating to postsecondary education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2451 be substituted therefor, and that Substitute Senate Bill No. 2451 do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57, providing a common date for assumption of office by local government elected officials (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 100, extending state route number 27 through Pullman (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Gallagher, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 144, requiring reimbursement to local government jurisdictions near state correctional institutions for the mentally ill for costs of apprehending and processing escapees (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Vognild.

Passed to Committee on Rules for second reading.

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 177, modifying various provisions relating to salmon resources (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Quigg, Talley, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 259, enacting the Controlled Substances Therapeutic Research Act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 262, modifying the reporting of vital statistics (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 288, encouraging the use of non-polluting fuels (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, Lysen, North, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 295, authorizing National Guard assistance scholarships (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Guess, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 305, delineating those persons subject to financial disclosure (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 328, revising the law relating to energy facility site locations (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Lysen, North, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 441, modifying penalties for failure to pay certain regulatory fees (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Lysen, North.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 619, revising laws relating to prescribing drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 989, authorizing Utilities and Transportation Commission to approve lease of utility facilities by a public service company to exempt owner of facilities as being a public utility company under certain federal law (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Wilson.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM JOINT COMMITTEES ON HIGHER EDUCATION

February 28, 1979.

TO: Washington State Senate  
 FROM: Senate Committee on Higher Education  
 SUBJECT: Sunset Report on Proprietary Schools Licensing

In accordance with the Sunset Act of 1977, the Senate and House Higher Education Committees, as committees of reference, have met jointly pertaining to proprietary schools licensing.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate and House Higher Education Committees have jointly concurred that Chapter 18.82 RCW, relating to proprietary schools licensing, should be terminated.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

cc: Legislative Budget Committee  
Office of Financial Management

#### MESSAGE FROM JOINT COMMITTEES ON COMMERCE

February 28, 1979.

TO: Washington State Senate  
FROM: Senate Committee on Commerce  
SUBJECT: Sunset Report on Driving Instructors

In accordance with the Sunset Act of 1977, the Senate and House Commerce Committees, as committees of reference, have met jointly pertaining to the driving instructors program.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate and House Commerce Committees have jointly concurred that the driving instructors program should not be terminated, as included in the Sunset process by Chapter 289, Laws of 1977, 1st extraordinary session.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

cc: Legislative Budget Committee  
Office of Financial Management  
Select Committee on Sunset

#### MESSAGE FROM JOINT COMMITTEES ON COMMERCE

February 28, 1979.

TO: Washington State Senate  
FROM: Senate Committee on Commerce  
SUBJECT: Sunset Report on Employment Agency Advisory Board

In accordance with the Sunset Act of 1977, the Senate and House Commerce Committees, as committees of reference, have met jointly pertaining to the employment agency advisory board.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate and House Commerce Committees have jointly concurred that the employment agency advisory board should not be terminated, as included in the Sunset process by Chapter 289, Laws of 1977, 1st extraordinary session.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

cc: Legislative Budget Committee  
Office of Financial Management  
Select Committee on Sunset

## MESSAGE FROM JOINT COMMITTEE ON NATURAL RESOURCES

March 1, 1979.

TO: Washington State Senate  
 FROM: Senate Natural Resources Committee  
 SUBJECT: Sunset Report on Forest Fire Advisory Board

In accordance with the Sunset Act of 1977, the Senate and House Natural Resources Committees, as committees of reference, have met jointly pertaining to the Forest Fire Advisory Board.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate and House Natural Resources Committees have jointly concurred that Chapter 76.04 RCW, relating to the Forest Fire Advisory Board, should not be terminated.

Signed by: Senators Peterson, Chairman; Lee, Conner, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild,

cc: Legislative Budget Committee  
 Office of Financial Management  
 Select Joint Committee on Sunset

## MESSAGES FROM THE HOUSE

February 28, 1979.

Mr. President: The House has passed:  
 ENGROSSED SENATE BILL NO. 2221,  
 SENATE BILL NO. 2233,  
 SENATE BILL NO. 2366,  
 SENATE BILL NO. 2486, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 28, 1979.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 240,  
 SUBSTITUTE HOUSE BILL NO. 556, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

February 28, 1979.

Mr. President: The Speakers have signed:  
 HOUSE BILL NO. 341,  
 HOUSE BILL NO. 342,  
 HOUSE BILL NO. 343,  
 HOUSE BILL NO. 344,  
 HOUSE BILL NO. 345,  
 HOUSE BILL NO. 346,  
 HOUSE BILL NO. 347,  
 HOUSE BILL NO. 348, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, by Committee on Revenue (originally sponsored by Representatives Sommers, Newhouse, Warnke, Flanagan, Erickson, Winsley, Bond and Sanders):

Making real estate excise tax a state tax.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 556, by Committee on Education (originally sponsored by Representatives Warnke, Polk, Heck, Chandler, North, Bauer and G. Nelson):

Mandating state to provide adequate transportation vehicles for school districts.

Referred to Committee on Education.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2221,

SENATE BILL NO. 2233,

SENATE BILL NO. 2366,

SENATE BILL NO. 2486.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 341,

HOUSE BILL NO. 342,

HOUSE BILL NO. 343,

HOUSE BILL NO. 344,

HOUSE BILL NO. 345,

HOUSE BILL NO. 347,

HOUSE BILL NO. 348.

## MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 12:20 p.m.

## NOON SESSION

The President called the Senate to order at 12:20 p.m.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 27, 1979.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2119 with the following amendment:

On page 3, line 29, strike everything after the enacting clause and insert the following:

"Section 1. Section 3, chapter 53, Laws of 1965 and RCW 23A.04.010 are each amended to read as follows:

As used in this title, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation for profit (~~organized for a purpose for which a corporation may be organized under~~) subject to the provisions of this title, except a foreign corporation.

(2) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this state for a purpose or purposes for which a corporation may be organized under this title.

(3) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(4) "Shares" means the units into which the proprietary interests in a corporation are divided.

(5) "Subscriber" means one who subscribes for one or more shares in a corporation, whether before or after incorporation.

(6) "Shareholder" means one who is a holder of record of one or more shares in a corporation (~~(, except as provided by RCW 23A.12.040)~~). If the articles of incorporation or the bylaws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth:

(a) The classification of shareholder who may certify;

(b) The purpose or purposes for which the certification may be made;

(c) The form of certification and information to be contained therein;

(d) If the certification is with respect to a record date or closing of the stock transfer books within which the certification must be received by the corporation; and

(e) Such other provisions with respect to the procedure as are deemed necessary or desirable.

Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.

(7) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(8) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been canceled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares but not "outstanding" shares.

(9) "Net assets" means the amount by which the total assets of a corporation (~~(, excluding treasury shares,)~~) exceed the total debts of the corporation.

(10) "Stated capital" means, at any particular time, the sum of (a) the par value of all shares of the corporation having a par value that have been issued, (b) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law, and (c) such amounts not included in clauses (a) and (b) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation, for the purpose of computing fees and other charges imposed by this title.

(11) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(12) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(13) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(14) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(15) For the purposes of RCW 23A.40.040, 23A.40.050, 23A.40.060, and ~~((23A.40.130))~~ section 51 of this 1979 act the term or terms:

(a) "Stock" means shares.

(b) "Capital" and "capital stock" and "authorized capital stock" mean the sum of (i) the par value of all shares of the corporation having a par value that the corporation is authorized to issue, and (ii) the amount expected to be allocated to stated capital out of the amount of the consideration expected to be received by the corporation in return for the issuance of all the shares without par value which the corporation is authorized to issue.

(c) "Capitalization" means stated capital.

(d) "Value of the assets received and to be received by such corporation in return for the issuance of its nonpar value stock" and "value of the assets represented by nonpar shares" mean the amount expected to be allocated to stated capital out of the amount of consideration expected to be received by the corporation in return for the issuance of all the shares without par value which the corporation is authorized to issue.

(e) "Value of the assets received in consideration of the issuance of such nonpar value stock" means the stated capital represented by the nonpar value shares issued by the corporation.

(f) "The number of shares of capital stock of the company" means the number of shares of the corporation.

(16) "Duplicate originals" means two copies, original or otherwise, each with original signatures.

Sec. 2. Section 4, chapter 53, Laws of 1965 and RCW 23A.08.010 are each amended to read as follows:

Corporations may be organized under this title for any lawful purpose or purposes, except for the purpose of banking or engaging in business as an insurer ~~(, and except:~~

~~(1) Where special provision is made by law for the preparation, contents and filing of articles of incorporation of designated classes of corporations, such corporations shall be formed under such special provisions, and not hereunder.~~

~~(2) Any business, the conduct of which at the time of the passage of this title is forbidden to corporations by the Constitution, statutes or common law of this state).~~

Sec. 3. Section 5, chapter 53, Laws of 1965 as amended by section 1, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.020 are each amended to read as follows:

Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(5) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(6) To lend money (~~(to its employees other than its officers and directors, and otherwise assist its employees, officers and directors))~~ and use its credit to assist its employees.

(7) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof.

(8) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(9) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(10) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this title (~~(in any state, territory, district, or possession of the United States, or in any foreign country)),~~ within or without this state.

(11) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(12) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

(13) To make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(14) (~~(in time of war))~~ To transact any lawful business which the board of directors finds will be in aid of ((the United States in the prosecution of the war)) governmental policy.

(15) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees.

(16) To be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust, or other enterprise.

(17) To cease its corporate activities and surrender its corporate franchise.

~~((17))~~ (18) To have and exercise all powers necessary or convenient to effect ~~((any or all of the))~~ its purposes ((for which the corporation is organized)).

Sec. 4. Section 2, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.025 are each amended to read as follows:

For the purposes of this section, "agent" includes any person who is or was a director, trustee, officer, employee, or other agent of the corporation or is or was serving at the request of the corporation as a director, trustee, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, or

was a director, trustee, officer, employee, or agent of a corporation which was a predecessor corporation of the corporation or of another enterprise at the request of such predecessor corporation, and "expenses" includes attorneys' fees and any expense of establishing a right to indemnification under subsection (3) of this section.

(1) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he is or was (~~(a director, trustee, officer, employee or)~~ an agent of the corporation (~~(; or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise;)~~) against expenses (~~((including attorneys' fees))~~), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(2) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was (~~(a director, trustee, officer, employee or)~~ an agent of the corporation (~~(; or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise)~~) against expenses (~~((including attorneys' fees))~~) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application, that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(3) To the extent that (~~(a director, trustee, officer, employee or)~~ an agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (1) and (2), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (~~((including attorneys' fees))~~) actually and reasonably incurred by him in connection therewith.

(4) Any indemnification under subsections (1) and (2) above (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the (~~(director, trustee, officer, employee or)~~ agent) is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (1) and (2) above. Such determination shall be made (a) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (b) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested

directors so directs, by independent legal counsel in a written opinion, or (c) by the shareholders.

(5) Expenses incurred in defending a civil or criminal action suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding as authorized in the manner provided in subsection (4) upon receipt of an undertaking by or on behalf of the (~~director, trustee, officer, employee or~~) agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the corporation as authorized in this section.

(6) The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be (~~a director, trustee, officer, employee or~~) an agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(7) A corporation shall have power to purchase and maintain insurance on behalf of any (~~person who is or was a director, trustee, officer, employee or~~) agent of the corporation(~~(, or is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise)~~) against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

Sec. 5. Section 8, chapter 53, Laws of 1965 and RCW 23A.08.050 are each amended to read as follows:

(1) The corporate name:

(a) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words(~~(, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof)~~).

(b) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking or insurance.

(c) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this title, or the name of a corporation which has in effect a registration of its corporate name as provided in this title, (~~unless~~

~~(i) such other domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state, and~~

~~(ii) the written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and is filed with the articles of incorporation, provided, a deceptively similar name shall not be used if the secretary of state finds that the use of such name shall be against public interest)) except that this provision shall not apply if the applicant files with the secretary of state either of the following: (i) The written consent of the other corporation or holder of a reserved or a registered name to use the same or deceptively similar name and one or more words are added or deleted to make the name distinguishable from the other name as determined by the secretary of state, or (ii) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.~~

(2) No corporation formed under this chapter shall include in its corporate name any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more words "building," "savings," "loan," "home," "association," "society," "room," "lounge" or any other words or phrases prohibited by any statute of this state.

(3) The assumption of a name in violation of this section shall not affect or vitiate the corporate existence, but the courts of this state, having equity jurisdiction, may, upon the application of the state, or of any person, unincorporated association, or corporation interested or affected, enjoin such corporation from doing business under a name assumed in violation of this section, although its articles of incorporation may have been approved and a certificate of incorporation issued.

(4) A corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more domestic or foreign corporations or upon a sale, lease, or other disposition to or exchange with a domestic corporation of all or substantially all the assets of another corporation, domestic or foreign, including its name, may have the same name as that used in this state by any of the corporations involved if the other corporation was engaged under the laws of or is authorized to transact business in this state.

Sec. 6. Section 9, chapter 53, Laws of 1965 as amended by section 1, chapter 83, Laws of 1969 ex. sess. and RCW 23A.08.060 are each amended to read as follows:

The exclusive right to the use of a corporate name may be reserved by:

- (1) Any person intending to organize a corporation under this title.
- (2) Any domestic corporation intending to change its name.
- (3) Any foreign corporation intending to make application for a certificate of authority to transact business in this state.

(4) Any foreign corporation authorized to transact business in this state and intending to change its name.

(5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by or on behalf of the applicant. If the secretary of state finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of one hundred and eighty days. Such reservation shall be limited to one filing and (~~shall not be renewable~~) one renewal for a like period.

The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the secretary of state, a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

Sec. 7. Section 13, chapter 53, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.100 are each amended to read as follows:

A corporation may change its registered office or change its registered agent or both, (~~by executing and~~) upon filing in the (~~manner hereinafter provided~~) office of the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by its board of directors.

~~((8) The date such change is to become effective.))~~

Such statement shall be executed in duplicate by the corporation by its president or a vice-president, and verified by him and delivered to the secretary of state ~~((on or before the date such change is to become effective))~~. If the secretary of state finds that such statement conforms to the provisions of this title he shall endorse on ~~((each of))~~ such duplicate originals the word "Filed," and the month, day, and year of the filing thereof, file one original in his office, and return the other original to the corporation or its representative. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail one copy thereof to the corporation or its representative. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is a registered agent by filing a statement as required by this section, except that it need be signed only by the registered agent, it need not be responsive to subsections (5) or (7) of this section, and it must recite that a copy of the statement has been mailed to the corporation.

Sec. 8. Section 15, chapter 53, Laws of 1965 and RCW 23A.08.120 are each amended to read as follows:

Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, limitations, and relative rights as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting rights of or provide special voting rights for the shares of any class to the extent not inconsistent with the provisions of this title.

Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes:

(1) Subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof.

(2) Entitling the holders thereof to cumulative, noncumulative or partially cumulative dividends.

(3) Having preference over any other class or classes of shares as to the payment of dividends.

(4) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(5) Convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation, but shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted or the amount of any deficiency is transferred from surplus to stated capital.

Sec. 9. Section 18, chapter 53, Laws of 1965 and RCW 23A.08.150 are each amended to read as follows:

Shares having a par value may be issued for such consideration expressed in dollars, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

Shares without par value may be issued for such consideration expressed in dollars as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all shares entitled to vote thereon.

Treasury shares may be disposed of by the corporation for such consideration expressed in dollars as may be fixed from time to time by the board of directors.

That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

In the event of ~~((a conversion of shares, or in the event of an exchange of shares with or without par value for the same or a different number of shares with or without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange or conversion shall be deemed to be (1) the stated capital then represented by the shares so exchanged or converted,))~~ the issuance of shares upon the conversion or exchange of indebtedness or shares, the consideration for the shares so issued shall be (1) the principal sum of, and accrued interest on, the indebtedness so exchanged or converted, or the stated capital then represented by the shares so exchanged or converted, and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and (3) any additional consideration paid to the corporation upon the issuance of shares for the indebtedness or shares so exchanged or converted.

Sec. 10. Section 22, chapter 53, Laws of 1965 and RCW 23A.08.190 are each amended to read as follows:

The shares of a corporation shall be represented by certificates signed by the president or a vice president and the secretary or an assistant secretary of the corporation, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice president and the secretary or assistant secretary upon a certificate may be facsimiles if the certificate is ~~((countersigned by))~~ manually signed on behalf of a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, or shall state that the corporation will furnish to any shareholder upon request and without charge, a full statement of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued and, if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

Each certificate representing shares shall state upon the face thereof:

- (1) That the corporation is organized under the laws of this state.
- (2) The name of the person to whom issued.

(3) The number and class of shares, and the designation of the series, if any, which such certificate represents.

(4) The par value of each share represented by such certificate, or a statement that the shares are without par value.

No certificate shall be issued for any share until such share is fully paid.

Sec. 11. Section 23, chapter 53, Laws of 1965 and RCW 23A.08.200 are each amended to read as follows:

A corporation may(~~(, but shall not be obliged to,)~~) (1) issue ((a certificate for a fractional)) fractions of a share, ((and, by action of its board of directors, may issue in lieu thereof)) (2) arrange for the disposition of fractional interests by those entitled thereto, (3) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such shares are determined, or (4) issue scrip in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip aggregating a full share. A certificate for a fractional share shall, but scrip shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip, or subject to any other conditions which the board of directors may deem advisable.

Sec. 12. Section 26, chapter 53, Laws of 1965 and RCW 23A.08.230 are each amended to read as follows:

The initial bylaws of a corporation shall be adopted by its board of directors. The power to ((adopt,)) alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by action of the shareholders, shall be vested in the ((shareholders unless vested in the)) board of directors unless reserved to the shareholders by the articles of incorporation. The bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

Sec. 13. Section 28, chapter 53, Laws of 1965 and RCW 23A.08.250 are each amended to read as follows:

Meetings of shareholders may be held at such place(~~(, either))~~) within or without this state(~~(,))~~) as may be ((provided in)) stated in or fixed in accordance with the bylaws. ((In the absence of any such provision, all)) If no place is stated or so fixed, meetings shall be held at the ((registered office)) principal place of business of the corporation.

An annual meeting of the shareholders shall be held at such time as may be ((provided in)) stated in or fixed in accordance with the bylaws. ((Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.)) If the annual meeting is not held within any thirteen-month period the superior court may, on the application of any shareholder for a writ of mandamus, summarily order a meeting to be held.

Special meetings of the shareholders may be called by ((the president,)) the board of directors, the holders of not less than one-tenth of all the shares entitled to vote at the meeting, or such other ((officers or)) persons as may be ((provided)) authorized in the articles of incorporation or the bylaws.

NEW SECTION. Sec. 14. There is added to chapter 23A.08 RCW a new section to read as follows:

Any action required by this title to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so

taken, is signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

The consent shall have the same force and effect as a unanimous vote of shareholders, and may be stated as such in any articles or document filed under this title with the secretary of state.

Sec. 15. Section 31, chapter 53, Laws of 1965 and RCW 23A.08.280 are each amended to read as follows:

The officer or agent having charge of the stock transfer books for shares of a corporation shall make, at least ten days before each meeting of shareholders, a complete ~~((hist))~~ record of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which ~~((hist))~~ record, for a period of ten days prior to such meeting, shall be kept on file at the registered office of the corporation. Such ~~((hist))~~ record shall be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting for the purposes thereof. ~~((The original stock transfer books shall be prima facie evidence as to who are the shareholders entitled to examine such list or transfer books or to vote at any meeting of shareholders.))~~

Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting.

An officer or agent having charge of the stock transfer books who shall fail to prepare the ~~((hist))~~ record of shareholders, or keep it on file for a period of ten days, or produce and keep it open for inspection at the meeting, as provided in this section, shall be liable to any shareholder suffering damage on account of such failure, to the extent of such damage.

Sec. 16. Section 32, chapter 53, Laws of 1965 and RCW 23A.08.290 are each amended to read as follows:

~~((Unless otherwise provided in the articles of incorporation, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this title or the articles of incorporation or bylaws.))~~

(1) A quorum at a meeting of shareholders is constituted by the representation in person or by proxy of:

(a) The percentage of shares entitled to vote set forth in the articles of incorporation, except that no such percentage shall be less than thirty-three percent; or

(b) In the absence of any provision in the articles of incorporation, a majority of shares entitled to vote.

(2) If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this title or the articles of incorporation or bylaws.

Sec. 17. Section 33, chapter 53, Laws of 1965 and RCW 23A.08.300 are each amended to read as follows:

Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except ~~((to the extent that the voting rights of the shares of any class or classes are limited or denied by the articles of incorporation as permitted by this title))~~ as may be otherwise provided in the articles of incorporation. If the articles of incorporation provide for more or less than one vote for any share, on any matter, every reference in this title to a majority or other proportion of shares shall refer to such a majority or other proportion of votes entitled to be cast.

Neither treasury shares, nor shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Unless the articles of incorporation otherwise provide, at each election for directors every shareholder entitled to vote at such election shall have the right to vote in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates.

Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine.

Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name.

Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver was appointed.

A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

On and after the date on which written notice of redemption of redeemable shares has been mailed to the holders thereof and a sum sufficient to redeem such shares has been deposited with a bank or trust company with irrevocable instruction and authority to pay the redemption price to the holders thereof upon surrender of certificates therefor, such shares shall not be entitled to vote on any matter and shall not be deemed to be outstanding shares.

Sec. 18. Section 1, chapter 176, Laws of 1967 and RCW 23A.08.345 are each amended to read as follows:

Unless otherwise provided by the articles of incorporation or bylaws, any action required by this title to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so ((to be)) taken, shall be signed ((before such action)) by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

Sec. 19. Section 38, chapter 53, Laws of 1965 as amended by section 2, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.350 are each amended to read as follows:

The ~~((number))~~ board of directors of a corporation shall ~~((be not less than three, except that in cases where all shares of a corporation are owned of record by fewer than three shareholders, the number of directors may be less than three but not less than the number of such shareholders. Subject to such limitation;))~~ consist of one or more members. The number of directors shall be fixed by or in the manner

provided in the articles of incorporation or the bylaws, except as to the number constituting the initial board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to or in the manner provided in the articles of incorporation or the bylaws, but no decrease shall have the effect of shortening the term of any incumbent director. In the absence of a bylaw ((fixing)) providing for the number of directors, the number shall be the same as that ((stated)) provided for in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and ((are)) qualified((, unless removed in accordance with the provisions of the bylaws)). At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors as permitted by this title. Each director shall hold office for the term for which he is elected and until his successor shall have been elected and ((is)) qualified((, unless removed in accordance with the provisions of the bylaws)).

Sec. 20. Section 41, chapter 53, Laws of 1965 and RCW 23A.08.380 are each amended to read as follows:

At a meeting of shareholders called expressly for that purpose, directors may be removed in the manner provided in this section. Any director or the entire board of directors may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote at an election of directors.

In the case of a corporation having cumulative voting, if less than the entire board is to be removed, no one of the directors may be removed if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

Whenever the holders of the shares of any class are entitled to elect one or more directors by the provisions of the articles of incorporation, the provisions of this section shall apply, in respect ((of)) to the removal of a director or directors so elected, to the vote of the holders of the outstanding shares of that class and not to the vote of the outstanding shares as a whole.

Sec. 21. Section 42, chapter 53, Laws of 1965 and RCW 23A.08.390 are each amended to read as follows:

A majority of the number of directors fixed by or in the manner provided in the bylaws, or in the absence of a bylaw fixing or providing for the number of directors, then of the number ((stated)) fixed by or in the manner provided in the articles of incorporation, shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.

Sec. 22. Section 44, chapter 53, Laws of 1965 as amended by section 3, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.410 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated ((by the bylaws or appointed)) by the board of directors may be held with or without notice as prescribed in the bylaws. Special meetings of the board of directors or any committee designated by the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director

or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated (~~by the bylaws or appointed~~) by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws.

Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated (~~by the bylaws or appointed~~) by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time(;) and participation by such means shall constitute presence in person at a meeting.

Sec. 23. Section 45, chapter 53, Laws of 1965 and RCW 23A.08.420 are each amended to read as follows:

The board of directors of a corporation may, from time to time, declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, except when the corporation is insolvent or when the payment thereof would render the corporation insolvent or when the declaration or payment thereof would be contrary to any restrictions contained in the articles of incorporation, subject to the following provisions:

(1) Except as otherwise provided in this section, dividends may be declared and paid in cash or property only out of:

(a) the unreserved and unrestricted earned surplus of the corporation, or (~~out of~~)

(b) the unreserved and unrestricted net earnings of the current fiscal year and the next preceding fiscal year taken as a single period. No (~~such~~) dividend out of unreserved and unrestricted net earnings so computed shall be paid which would reduce the net assets of the corporation below the aggregate preferential amount payable in event of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(2) (~~In the case of a corporation engaged in the business of exploiting natural resources or owning property having a limited life, such as a lease for a term of years, or a patent~~) If the articles of incorporation of a corporation engaged in the business of exploiting natural resources so provide, dividends may be declared and paid in cash out of the depletion reserves, but each such dividend shall be identified as a distribution of such reserves and the amount per share paid from such reserves shall be disclosed to the shareholders receiving the same concurrently with the distribution thereof.

(3) Dividends may be declared and paid in its own treasury shares (~~out of any treasury shares that have been reacquired out of surplus of the corporation~~).

(4) Dividends may be declared and paid in its own authorized but unissued shares out of any unreserved and unrestricted surplus of the corporation upon the following conditions:

(a) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus (~~at least~~) equal to the aggregate par value of the shares to be issued as a dividend.

(b) If a dividend is payable in its own shares without par value, such shares shall be issued at such stated value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate stated value so fixed in respect of such shares; and the amount per

share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(5) No dividend payable in shares of any class shall be paid to the holders of shares of any other class unless the articles of incorporation so provide or such payment is authorized by the affirmative vote or the written consent of the holders of at least a majority of the outstanding shares of the class in which the payment is to be made.

A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this section.

Sec. 24. Section 48, chapter 53, Laws of 1965 and RCW 23A.08.450 are each amended to read as follows:

In addition to any other liabilities imposed by law upon directors of a corporation:

(1) Directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this title or contrary to any restrictions contained in the articles of incorporation, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this title or the restrictions in the articles of incorporation.

(2) Directors of a corporation who vote for or assent to the purchase of its own shares contrary to the provisions of this title shall be jointly and severally liable to the corporation for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been paid therefor without a violation of the provisions of this title.

(3) The directors of a corporation who vote for or assent to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the value of such assets which are distributed, to the extent that such debts, obligations, and liabilities of the corporation are not thereafter paid and discharged.

(4) The directors of a corporation who vote for or assent to the making of a loan to an officer or director of the corporation, or the making of any loan secured by shares of the corporation, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof, unless approved by the shareholders as provided in RCW 23A.08.440.

~~((5) If a corporation shall commence business before it has received at least five hundred dollars as consideration for the issuance of shares, the directors who assent thereto shall be jointly and severally liable to the corporation for such part of five hundred dollars as shall not have been received before commencing business, but such liability shall be terminated when the corporation has actually received five hundred dollars as consideration for the issuance of shares.))~~

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

A director shall not be liable under subsections (1), (2), or (3) of this section if he relied and acted in good faith upon financial statements of the corporation represented to him to be correct by the president or the officer of such corporation having charge of its books of account, or stated in a written report by an independent public or certified public accountant or firm of such accountants fairly to reflect the financial condition of such corporation, nor shall he be so liable if in good faith in determining the amount available for any such dividend or distribution he considered the assets to be of their book value.

Any director against whom a claim shall be asserted under or pursuant to this section for the payment of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution to have been made in violation of this title, in proportion to the amounts received by them respectively.

Any director against whom a claim shall be asserted under or pursuant to this section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted.

Sec. 25. Section 50, chapter 53, Laws of 1965 as amended by section 4, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.470 are each amended to read as follows:

The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary, except that when all of the issued and outstanding stock of the corporation is owned of record by one ((person)) shareholder, ((such)) one person may hold all or any combination of offices.

All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

Sec. 26. Section 53, chapter 53, Laws of 1965 and RCW 23A.08.500 are each amended to read as follows:

Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its shareholders and board of directors; and shall keep at its registered office or principal place of business, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each. Any books, records, and minutes may be in written form or any other form capable of being converted into written form within a reasonable time.

Any person who shall have been a ((shareholder)) holder of record ((for)) of shares or of voting trust certificates for shares at least six months immediately preceding his demand or who shall be the holder of record of, or the holder of record of voting trust certificates for, at least five percent of all the outstanding shares of a corporation, upon written demand stating the purpose thereof, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its relevant books and records of account, minutes and record of shareholders and to make extracts therefrom.

Any officer or agent who, or a corporation which, shall refuse to allow any such shareholder or holder of voting trust certificates, or his agent or attorney, so to examine and make extracts from its books and records of account, minutes, and

record of shareholders, for any proper purpose, shall be liable to such shareholder or holder of voting trust certificates in a penalty of ten percent of the value of the shares owned by such shareholder, or in respect of which such voting trust certificates are issued, in addition to any other damages or remedy afforded him by law. It shall be a defense to any action for penalties under this section that the person suing therefor has within two years sold or offered for sale any list of shareholders or of holders of voting trust certificates for shares of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders or of holders of voting trust certificates for any such purpose, or has improperly used any information secured through any prior examination of the books and records of account, or minutes, or record of shareholders or of holders of voting trust certificates for shares of such corporation or any other corporation, or was not acting in good faith or for a proper purpose in making his demand.

Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder or holder of voting trust certificates of proper purpose, irrespective of the period of time during which such shareholder or holder of voting trust certificates shall have been a shareholder or a holder of record of voting trust certificates, and irrespective of the number of shares held by him or represented by voting trust certificates held by him, to compel the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation.

Upon the written request of any shareholder or holder of voting trust certificates of a corporation, the corporation shall mail to such shareholder or holder of voting trust certificates its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.

Sec. 27. Section 55, chapter 53, Laws of 1965 and RCW 23A.12.020 are each amended to read as follows:

The articles of incorporation shall set forth:

- (1) The name of the corporation.
- (2) The period of duration, which may be perpetual.
- (3) The purpose or purposes for which the corporation is organized which may be stated to be, or to include, the transaction of any or all lawful business for which corporations may be incorporated under this title.

(4) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.

(5) If all or any portion of the shares have no par value, the aggregate value of those shares, or, such aggregate value shall be stated in the affidavit filed pursuant to RCW 23A.40.050.

(6) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.

(7) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(8) ~~((A statement that the corporation will not commence business until consideration of the value of at least five hundred dollars has been received for the issuance of shares.~~

(9)) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

((+10)) (9) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this title is required or permitted to be set forth in the bylaws.

((+11)) (10) The address of its initial registered office and the name of its initial registered agent at such address.

((+12)) (11) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

((+13)) (12) The name and address of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this title.

Sec. 28. Section 57, chapter 53, Laws of 1965 and RCW 23A.12.040 are each amended to read as follows:

Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this title, except as against this state in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation. (~~Notwithstanding the provisions of RCW 23A.04.010, subsection 6, those persons who subscribed for shares prior to the issuance of the certificate of incorporation, or their assigns, shall be shareholders in the corporation upon such issuance, unless their rights under the stock subscription agreement have been terminated under the provisions of RCW 23A.08.140:)~~)

Sec. 29. Section 59, chapter 53, Laws of 1965 and RCW 23A.12.060 are each amended to read as follows:

After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the ((incorporators)) directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers, and the transaction of such other business as may come before the meeting. The ((incorporators)) directors calling the meeting shall give at least three days' notice thereof by mail to each director so named, which notice shall state the time and place of meeting. Any action permitted to be taken at the organization meeting of the directors may be taken without a meeting if each director signs an instrument which states the action so taken.

Sec. 30. Section 61, chapter 53, Laws of 1965 and RCW 23A.16.020 are each amended to read as follows:

Amendments to the articles of incorporation shall be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the proposed amendment and, if shares have been issued, directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. If no shares have been issued, the amendment shall be adopted by resolution of the board of directors and the provisions for adoption by shareholders shall not apply. The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this title for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

Sec. 31. Section 63, chapter 53, Laws of 1965 as amended by section 5, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.040 are each amended to read as follows:

The articles of amendment shall be executed in duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles, and shall set forth:

- (1) The name of the corporation.
- (2) The amendment so adopted.
- (3) The date of the adoption of the amendment by the shareholders, or by the board of directors where no shares have been issued.
- (4) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(5) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively.

(6) If such amendment provides for an exchange, reclassification, or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(7) If such amendment effects a change in the amount of stated capital, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital as changed by such amendment.

Sec. 32. Section 65, chapter 53, Laws of 1965 and RCW 23A.16.060 are each amended to read as follows:

~~((Upon the issuance of the certificate of amendment by the secretary of state,))~~  
 The amendment shall become effective ~~((and the articles of incorporation shall be deemed to be amended accordingly))~~ upon the issuance of the certificate of amendment by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof with the secretary of state, as shall be provided for in the articles of amendment.

No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

NEW SECTION. Sec. 33. There is added to chapter 23A.16 RCW a new section to read as follows:

A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

Upon the adoption of the resolution, restated articles of incorporation shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or assistant secretary and verified by one of the officers signing the articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together with a statement that the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

Duplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, he shall, when all fees required by this title have been paid:

- (1) Endorse on each duplicate original the word "Filed" and the month, day, and year of the filing thereof;
- (2) File one duplicate original in his office; and
- (3) Issue a restated certificate of incorporation, to which he shall affix the other duplicate original.

The restated certificate of incorporation, together with the duplicate original of the restated articles of incorporation affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the issuance of the restated certificate of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

Sec. 34. Section 67, chapter 53, Laws of 1965 as amended by section 8, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.080 are each amended to read as follows:

(1) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

- (a) Change the corporate name, period of duration, or corporate purposes of the corporation;
- (b) Repeal, alter, or amend the bylaws of the corporation;
- (c) Change the aggregate number of shares, or shares of any class, which the corporation has authority to issue;
- (d) Change the preferences, limitations, and relative rights in respect of all or any part of the shares of the corporation, and classify, reclassify or cancel all or any part thereof, whether issued or unissued;
- (e) Authorize the issuance of bonds, debentures, or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(f) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

(2) Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(a) Articles of amendment approved by decree or order of such court shall be executed and verified in duplicate by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the articles of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(b) Duplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to law, he shall, when all fees have been paid as in this title prescribed:

(i) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(ii) File one of such originals in his office.

(iii) Issue a certificate of amendment to which he shall affix the other original.

(3) The certificate of amendment, together with the original of the articles of amendment affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

(4) ~~((Upon the issuance of the certificate of amendment by the secretary of state;))~~ The amendment shall become effective ~~((and the articles of incorporation shall be deemed to be amended accordingly))~~ upon the issuance of the certificate of amendment by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof with the secretary of state, as shall be provided for in the articles of amendment, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

**NEW SECTION.** Sec. 35. There is added to chapter 23A.20 RCW a new section to read as follows:

All the issued or all the outstanding shares of one or more classes of any domestic corporation may be acquired through the exchange of all such shares of such class or classes by another domestic or foreign corporation pursuant to a plan of exchange approved in the manner provided in this title.

The board of directors of each corporation shall, by resolution adopted by each board, approve a plan of exchange setting forth:

(1) The name of the corporation the shares of which are proposed to be acquired by exchange and the name of the corporation to acquire the shares of such corporation in the exchange, which is designated in this chapter as the acquiring corporation;

(2) The terms and conditions of the proposed exchange;

(3) The manner and basis of exchanging the shares to be acquired for shares, obligations, or other securities of the acquiring corporation or any other corporation, or, in whole or in part, for cash or other property; and

(4) Such other provisions with respect to the proposed exchange as are deemed necessary or desirable.

The procedure authorized by this section shall not be deemed to limit the power of a corporation to acquire all or part of the shares of any class or classes of a corporation through a voluntary exchange or otherwise by agreement with the shareholders.

Sec. 36. Section 75, chapter 53, Laws of 1965 and RCW 23A.20.030 are each amended to read as follows:

The board of directors of each corporation, (~~upon approving such plan of merger or plan of consolidation~~) in the case of a merger or consolidation, and the board of directors of the corporation the shares of which are to be acquired, in the case of an exchange, upon approving the plan of merger, consolidation, or exchange, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this title for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes is to consider the proposed plan of merger ~~(or)~~, consolidation, or exchange. A copy or a summary of the plan of merger ~~(or plan of)~~, consolidation, or exchange, as the case may be, shall be included in or enclosed with such notice.

At each such meeting, a vote of the shareholders shall be taken on the proposed plan ~~(of merger or consolidation)~~. The plan ~~(of merger or consolidation)~~ shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares entitled to vote thereon of each such corporation, unless any class of shares of any such corporation is entitled to vote thereon as a class, in which event, as to such corporation, the plan ~~(of merger or consolidation)~~ shall be approved upon receiving the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon. Any class of shares of any such corporation shall be entitled to vote as a class if ~~(the)~~ any such plan (of merger or consolidation, as the case may be,) contains any provision which, if contained in a proposed amendment to articles of incorporation, would entitle such class of shares to vote as a class and, in case of an exchange, if the class is included in the exchange.

After such approval by a vote of the shareholders of each such corporation, and at any time prior to the filing of the articles of merger ~~(or)~~, consolidation, or exchange, the merger ~~(or)~~, consolidation, or exchange may be abandoned pursuant to provisions therefor, if any, set forth in the plan ~~(of merger or consolidation)~~.

Sec. 37. Section 76, chapter 53, Laws of 1965 as amended by section 12, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.040 are each amended to read as follows:

(1) Upon such approval, articles of merger ~~(or)~~, articles of consolidation, or articles of exchange shall be executed in duplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation.

(b) As to each corporation, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(c) As to each corporation, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such plan, respectively.

(d) As to the acquiring corporation in a plan of exchange, a statement that the adoption of the plan and performance of its terms were duly approved by its board of directors and such other requisite corporate action, if any, as may be required of it.

(2) Duplicate originals of the articles of merger (~~(or)~~), articles of consolidation, or articles of exchange shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of merger (~~(or a certificate of)~~), consolidation, or exchange to which he shall affix the other original.

(3) The certificate of merger (~~(or certificate of)~~), consolidation, or exchange, together with the duplicate original of the articles of merger (~~(or articles of)~~), consolidation, or exchange affixed thereto by the secretary of state, shall be returned to the surviving or new or acquiring corporation, or its representative.

Sec. 38. Section 77, chapter 53, Laws of 1965 as last amended by section 13, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.050 are each amended to read as follows:

(1) Any corporation owning at least ninety-five percent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety-five percent of its shares, which is hereinafter designated as the surviving corporation.

(b) The manner and basis of converting the shares of the subsidiary corporation into shares or other securities or obligations of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property (~~(, or the cash or other consideration to be paid or delivered upon surrender of each share of the subsidiary corporation)~~).

(2) A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

(3) Articles of merger shall be executed in duplicate by the surviving corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

(4) On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares duplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix the other original.

(5) The certificate of merger, together with the original of the articles of merger affixed thereto by the secretary of state, shall be returned to the surviving corporation or its representative.

Sec. 39. Section 78, chapter 53, Laws of 1965 and RCW 23A.20.060 are each amended to read as follows:

~~((Upon the issuance of the certificate of merger or the certificate of consolidation by the secretary of state, the merger or consolidation shall be effected:))~~ A merger, consolidation, or exchange shall become effective upon the issuance of a certificate of merger, consolidation, or exchange by the secretary of state, or on such later date, not more than thirty days subsequent to the filing thereof with the secretary of state, as shall be provided for in the plan.

When ~~((such))~~ a merger or consolidation has ~~((been effected))~~ become effective:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this title.

(4) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(5) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(6) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger; and, in the case of a consolidation, the statement set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this title shall be deemed to be the original articles of incorporation of the new corporation.

When a merger, consolidation, or exchange has become effective, the shares of the corporation or corporations party to the plan that are, under the terms of the plan, to be converted or exchanged, shall cease to exist, in the case of a merger or consolidation, or be deemed to be exchanged in the case of an exchange, and the holders of the shares shall thereafter be entitled only to the shares, obligations, other securities, cash, or other property into which they shall have been converted or for which they shall have been exchanged, in accordance with the plan, subject to any rights under RCW 23A.24.030.

Sec. 40. Section 79, chapter 53, Laws of 1965 and RCW 23A.20.070 are each amended to read as follows:

One or more foreign corporations and one or more domestic corporations may be merged or consolidated or participate in an exchange in the following manner, if

such merger ((~~or~~)), consolidation, or exchange is permitted by the laws of the state under which each such foreign corporation is organized:

(1) Each domestic corporation shall comply with the provisions of this title with respect to the merger ((~~or~~)), consolidation, or exchange, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(2) If the surviving or new corporation(~~(, as the case may be,))~~ in a merger or consolidation is to be governed by the laws of any state other than this state, it shall comply with the provisions of this title with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(b) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding; and

(c) An agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this title with respect to the rights of dissenting shareholders.

The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this state. If the surviving or new corporation is to be governed by the laws of any state other than this state, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other state provide otherwise.

(3) At any time prior to the ((filing)) effective date of the articles of merger ((~~or~~)), consolidation, or exchange, the merger ((~~or~~)), consolidation, or exchange, may be abandoned pursuant to provision((s)) therefor, if any, set forth in the plan of merger ((~~or~~)), consolidation or exchange. In the event the merger, consolidation, or exchange is abandoned, the parties thereto shall execute a notice of abandonment in triplicate by the respective presidents or vice presidents and by the secretaries or assistant secretaries, and verified by an officer for each corporation signing the notice. If the secretary of state finds the notice conforms to law, he shall:

(a) Endorse on each of the originals the word "Filed" and the month, day, and year of filing thereof;

(b) File one of the triplicate originals in his office; and

(c) Issue the other triplicate originals to the respective parties or their representatives.

Sec. 41. Section 80, chapter 53, Laws of 1965 and RCW 23A.24.010 are each amended to read as follows:

The sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation in the usual and regular course of its business and the mortgage or pledge of any or all property and assets of a corporation whether or not in the usual and regular course of business may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, obligations, or other securities of any other corporation, domestic or foreign, as shall be authorized by its board of directors; and in any such case no authorization or consent of the shareholders shall be required.

Sec. 42. Section 81, chapter 53, Laws of 1965 and RCW 23A.24.020 are each amended to read as follows:

A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets, with or without the good will, of a corporation, if not in the usual and regular course of its business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, obligations, or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(1) The board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written notice shall be given to each shareholder of record, whether or not entitled to vote at such meeting, not less than twenty days before such meeting, in the manner provided in this title for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose, or one of the purposes is to consider the proposed sale, lease, exchange, or other disposition.

(3) At such meeting the shareholders may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of two-thirds of the shares of the corporation entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event such authorization shall require the affirmative vote of the holders of two-thirds of the shares of each class of shares entitled to vote as a class thereon and of the total shares entitled to vote thereon.

(4) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

Sec. 43. Section 82, chapter 53, Laws of 1965 and RCW 23A.24.030 are each amended to read as follows:

Any shareholder of a corporation shall have the right to dissent from any of the following corporate actions:

(1) Any plan of merger or consolidation to which the corporation is a party; or

(2) Any sale or exchange of all or substantially all of the property and assets of the corporation not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of sale be distributed to the shareholders in accordance with their respective interests within one year after the date of sale.

(3) Any plan of exchange to which the corporation is a party as the corporation the shares of which are to be acquired.

A shareholder may dissent as to less than all of the shares registered in his name. In that event, his rights shall be determined as if the shares as to which he has dissented and his other shares were registered in the names of different shareholders.

The provisions of this section shall not apply to the shareholders of the surviving corporation in a merger (~~if such corporation is on the date of the filing of the articles of merger the owner of all the outstanding shares of the other corporations, domestic or foreign, which are parties to the merger, or~~) if a vote of the shareholders of such corporation is not necessary to authorize such merger.

Sec. 44. Section 83, chapter 53, Laws of 1965 and RCW 23A.24.040 are each amended to read as follows:

Any shareholder electing to exercise such right of dissent shall file with the corporation, prior to or at the meeting of shareholders at which such proposed corporate action is submitted to a vote, a written objection to such proposed corporate action. If such proposed corporate action be approved by the required vote and such shareholder shall not have voted in favor thereof, such shareholder may, within ten days after the date on which the vote was taken, or if a corporation is to be merged without a vote of its shareholders into another corporation, any other shareholders may, within fifteen days after the plan of such merger shall have been mailed to such shareholders, make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, domestic or foreign, for payment of the fair value of such shareholder's shares, and, if such proposed corporate action is effected, such corporation shall pay to such shareholder, upon surrender of the certificate or certificates representing such shares, the fair value thereof as of the day prior to the date on which the vote was taken approving the proposed corporate action, excluding any appreciation or depreciation in anticipation of such corporate action. Any shareholder failing to make demand within the applicable ten day or fifteen day period shall be bound by the terms of the proposed corporate action. Any shareholder making such demand shall thereafter be entitled only to payment as in this section provided and shall not be entitled to vote or to exercise any other rights of a shareholder.

No such demand shall be withdrawn unless the corporation shall consent thereto. The right of such shareholder to be paid the fair value of his shares shall cease and his status as a shareholder shall be restored, without prejudice to any corporate proceedings which may have been taken during the interim, if:

- (1) Such demand shall be withdrawn upon consent; or
- (2) The proposed corporate action shall be abandoned or rescinded or the shareholders shall revoke the authority to effect such action; or
- (3) In the case of a merger, on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporations, domestic and foreign, that are parties to the merger; or
- (4) No demand or petition for the determination of fair value by a court shall have been made or filed within the time provided by this section; or
- (5) A court of competent jurisdiction shall determine that such shareholder is not entitled to the relief provided by this section.

Within ten days after such corporate action is effected, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, domestic or foreign, shall give written notice thereof to each dissenting shareholder who has made demand as herein provided, and shall make a written offer to each such shareholder to pay for such shares at a specified price deemed by such corporation to be the fair value thereof. Such notice and offer shall be accompanied by a balance sheet of the corporation the shares of which the dissenting shareholder holds, as of the latest available date and not more than twelve months prior to the making of such offer, and a profit and loss statement of such corporation for the twelve months' period ended on the date of such balance sheet.

If within thirty days after the date on which such corporate action was effected the fair value of such shares is agreed upon between any such dissenting shareholder and the corporation, payment therefor shall be made within ninety days after the date on which such corporate action was effected, upon surrender of the certificate or certificates representing such shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares.

If within such period of thirty days a dissenting shareholder and the corporation do not so agree, then the corporation, within thirty days after receipt of written demand from any dissenting shareholder given within sixty days after the date on which such corporate action was effected, shall, or at its election at any time within

such period of sixty days may, file a petition in any court of competent jurisdiction in the county in this state where the registered office of the corporation is located praying that the fair value of such shares be found and determined. If, in the case of a merger or consolidation, the surviving or new corporation is a foreign corporation without a registered office in this state, such petition shall be filed in the county where the registered office of the domestic corporation was last located. If the corporation shall fail to institute the proceeding as herein provided, any dissenting shareholder may do so in the name of the corporation. All dissenting shareholders, wherever residing, shall be made parties to the proceeding as an action against their shares quasi in rem. A copy of the petition shall be served on each dissenting shareholder who is a resident of this state and shall be served by registered or certified mail on each dissenting shareholder who is a nonresident. Service on nonresidents shall also be made by publication as provided by law. The jurisdiction of the court shall be plenary and exclusive. All shareholders who are parties to the proceeding shall be entitled to judgment against the corporation for the amount of the fair value of their shares. The court may, if it so elects, appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have such power and authority as shall be specified in the order of their appointment or an amendment thereof. The judgment shall be payable only upon and concurrently with the surrender to the corporation of the certificate or certificates representing such shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares.

The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the vote was taken on the proposed corporate action to the date of payment.

The costs and expenses of any such proceeding shall be determined by the court and shall be assessed against the corporation, but all or any part of such costs and expenses may be apportioned and assessed as the court may deem equitable against any or all of the dissenting shareholders who are parties to the proceeding to whom the corporation shall have made an offer to pay for the shares if the court shall find that the action of such shareholders in failing to accept such offer was arbitrary or vexatious or not in good faith. Such expenses shall include reasonable compensation for and reasonable expenses of the appraisers, but shall exclude the fees and expenses of counsel for and experts employed by any party; but if the fair value of the shares as determined materially exceeds the amount which the corporation offered to pay therefor, or if no offer was made, the court in its discretion may award to any shareholder who is a party to the proceeding such sum as the court may determine to be reasonable compensation to any expert or experts employed by the shareholder in the proceeding.

Within twenty days after demanding payment for his shares, each shareholder demanding payment shall submit the certificate or certificates representing his shares to the corporation for notation thereon that such demand has been made. His failure to do so shall, at the option of the corporation, terminate his rights under this section unless a court of competent jurisdiction, for good and sufficient cause shown, shall otherwise direct. If shares represented by a certificate on which notation has been so made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this section provided, may be held and disposed of by such corporation as in the case of other treasury

shares, except that, in the case of a merger or consolidation, they may be held and disposed of as the plan of merger or consolidation may otherwise provide.

Sec. 45. Section 84, chapter 53, Laws of 1965 as amended by section 14, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.010 are each amended to read as follows:

A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time (~~within two years after the date of the issuance of its certificate of incorporation,~~) in the following manner:

(1) Articles of dissolution shall be executed in duplicate by a majority of the incorporators, and verified by them, and shall set forth:

(a) The name of the corporation.

(b) The date of issuance of its certificate of incorporation.

(c) That none of its shares has been issued.

(d) That the corporation has not commenced business.

(e) That the amount, if any, actually paid in on subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.

(f) That no debts of the corporation remain unpaid.

(g) That a majority of the incorporators elect that the corporation be dissolved.

(2) Duplicate originals of the articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that the articles of dissolution conform to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Issue a certificate of dissolution to which he shall affix the other original.

The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto by the secretary of state, shall be returned to the incorporators or their representatives. Upon the issuance of such certificate of dissolution by the secretary of state, the existence of the corporation shall cease.

Sec. 46. Section 109, chapter 53, Laws of 1965 and RCW 23A.32.010 are each amended to read as follows:

No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this title to transact in this state any business which a corporation organized under this title is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state, and nothing in this title contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state, for the purposes of this title, by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.

(5) Effecting sales through independent contractors.

(6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.

(7) Creating (~~evidences of debt, mortgages or liens on~~) as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.

(8) Securing or collecting debts or enforcing any rights in property securing the same.

(9) Transacting any business in interstate commerce.

(10) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

Sec. 47. Section 111, chapter 53, Laws of 1965 as amended by section 6, chapter 190, Laws of 1967 and RCW 23A.32.030 are each amended to read as follows:

No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation:

(1) Shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words, or such corporation shall, for use in this state, add at the end of its name one of such words or an abbreviation thereof.

(2) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation or that it is authorized or empowered to conduct the business of banking or insurance.

(3) Shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this title, or the name of a corporation which has in effect a registration of its name as provided in this title(~~(-PROVIDED, That a foreign corporation which is precluded from using its corporate name for one of the above reasons may adopt an assumed name under which it may conduct its business in this state)~~), except that this provision shall not apply if the foreign corporation applying for a certificate of authority files with the secretary of state any one of the following:

(a) A resolution of its board of directors adopting a fictitious name for use in transacting business in this state which fictitious name is not deceptively similar to the name of any domestic corporation or of any foreign corporation authorized to transact business in this state or to any name reserved or registered as provided in this title; or

(b) The written consent of the other corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make the name distinguishable from the other name as determined by the secretary of state; or

(c) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the foreign corporation to the use of the name in this state.

Sec. 48. Section 112, chapter 53, Laws of 1965 and RCW 23A.32.040 are each amended to read as follows:

Whenever a foreign corporation which is authorized to transact business in this state shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall be suspended and it shall not thereafter transact any business in this state

until it has changed its name to a name which is available to it under the laws of this state or has otherwise complied with the provisions of this title.

Sec. 49. Section 113, chapter 53, Laws of 1965 as amended by section 1, chapter 22, Laws of 1971 and RCW 23A.32.050 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the ~~((president and secretary))~~ directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

Such application shall be made on forms prescribed and furnished by the secretary of state and shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such application.

Such application shall be accompanied by a certificate of good standing to be certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 50. Section 114, chapter 53, Laws of 1965 as last amended by section 1, chapter 89, Laws of 1973 and RCW 23A.32.060 are each amended to read as follows:

Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of the certificate of good standing, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated, together with a copy of its articles of incorporation and all amendments thereto.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such documents the word "Filed", and the month, day and year of the filing thereof.

(2) File in his office one of such duplicate originals of the application.

(3) Issue a certificate of authority to transact business in this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

**NEW SECTION.** Sec. 51. There is added to chapter 23A.32 RCW a new section to read as follows:

A foreign corporation doing an intrastate business or seeking to do an intrastate business in the state of Washington shall qualify so to do in the manner prescribed in this title and shall pay for the privilege of so doing the filing and license fees prescribed in this title for domestic corporations, including the same fees as are prescribed in chapter 23A.40 RCW for the filing of articles of incorporation of a domestic corporation. The fees are to be computed upon the portion of capital stock of such corporation represented or to be represented in the state of Washington, to be ascertained by comparing the value in money of its entire property and capital with the value in money of its property and capital in, or to be brought into, and used in this state. Any corporation that employs an increased amount of its capital stock within the state shall pay fees at the same rate upon such increase, and whenever such increase is made such corporation shall file with the secretary of state, a statement showing the amount of such increase. Before any foreign corporation shall be authorized to do intrastate business in the state of Washington it shall file with the secretary of state upon a blank form to be furnished for that purpose under the oath of its president, secretary, treasurer, superintendent or managing agent in this state, a statement showing the following facts:

(1) The number of shares of capital stock of the company and the par value of each share, and if such shares have no par value, then the value of the assets represented by nonpar shares.

(2) The portion of the capital stock of the company which is represented and/or to be represented, employed and/or to be employed in its business transacted or to be transacted in the state of Washington.

(3) The value of the property in or to be brought into, and the amount of capital to be used by the company in the state of Washington and the value of the property and capital owned and/or used by the company outside of the state of Washington.

(4) Such other facts as the secretary of state may require.

From the facts thus reported, and such other additional information as the secretary of state may require, the secretary of state shall determine the amount of capital or the proportionate amount of the capital stock of the company represented by its property and business in the state of Washington and upon which the fees prescribed herein are payable.

**NEW SECTION.** Sec. 52. There is added to chapter 23A.32 RCW a new section to read as follows:

All foreign corporations doing intrastate business, or hereafter seeking to do intrastate business in this state shall pay for the privilege of doing such intrastate business in this state the same fees as are prescribed for domestic corporations for annual license fees. Such fees shall be computed upon the proportion of the capital stock represented or to be represented by its property and business in this state to be ascertained by comparing the entire volume of business with the volume of intrastate business in this state. Any such corporation that shall employ an increased amount of its capital stock within this state shall pay license fees upon such increase in the same proportion as provided for payment of license fees by domestic corporations. Such corporations shall file with the secretary of state a statement showing the amount of such increase and shall forthwith pay to the secretary of state the increased license fee brought about by such increased use of capital represented by its property and business in this state. All fees shall be paid on or before the first day of July of each and every year.

NEW SECTION. Sec. 53. There is added to chapter 23A.32 RCW a new section to read as follows:

There is hereby imposed and levied on the license and filing fees on foreign corporations as prescribed by sections 51 and 52 of this act, a surtax of twenty-five percent to be collected from those corporations at the time they pay those license and filing fees. All fees collected in compliance with this section shall be deposited in the state general fund.

Sec. 54. Section 117, chapter 53, Laws of 1965 and RCW 23A.32.090 are each amended to read as follows:

A foreign corporation authorized to transact business in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state a ~~((certificate))~~ statement setting forth:

- (1) The name of the corporation.
- (2) The address of its then registered office.
- (3) If the address of its registered office be changed, the address to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.
- (7) That such change was authorized by resolution duly adopted by its board of directors.

Such statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the provisions of this title, he shall ~~((file such statement in his office, and upon such filing the))~~ endorse on such duplicate originals the word "Filed," and the month, day, and year of the filing thereof, file one original in his office, and return the other original to the corporation or its representative. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a foreign corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall forthwith mail a copy thereof to the corporation at its principal office in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or its business address to another place within the same county, he or it may change such address and the address of the registered office of any corporation of which he or it is a registered agent by filing a statement as required by this section, except that it need be signed only by the registered agent, it need not be responsive to subsections (5) or (7) of this section, and it must recite that a copy of the statement has been mailed to the corporation.

Sec. 55. Section 122, chapter 53, Laws of 1965 and RCW 23A.32.140 are each amended to read as follows:

A foreign corporation authorized to transact business in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:

- (1) The name of the corporation and the state or country under the laws of which it is incorporated.
- (2) That the corporation is not transacting business in this state.

(3) That the corporation surrenders its authority to transact business in this state.

(4) That the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the corporation was authorized to transact business in this state may thereafter be made on such corporation by service thereof on the secretary of state.

(5) A post office address to which the secretary of state may mail a copy of any process against the corporation that may be served on him.

(6) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, as of the date of the application.

(7) A statement of the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, as of the date of the application.

(8) A statement, expressed in dollars, of the amount of stated capital of the corporation, as of the date of the application.

(9) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine and assess any unpaid fees payable by the foreign corporation under this title.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

Sec. 56. Section 130, chapter 53, Laws of 1965 and RCW 23A.36.030 are each amended to read as follows:

The activities authorized by RCW 23A.36.010 and 23A.36.020, by such non-admitted organizations shall not constitute (~~"conducting business," "carrying on business,"~~) "transacting business(~~(," or "doing business")~~)" within the meaning of chapter 23A.32 RCW.

Sec. 57. Section 4, chapter 92, Laws of 1969 ex. sess. as last amended by section 1, chapter 36, Laws of 1975 1st ex. sess. and RCW 23A.40.075 are each amended to read as follows:

The annual license fee required by RCW 23A.40.060, as now or hereafter amended, and (~~(RCW 23A.40.140)~~) section 52 of this 1979 act is a tax on the privilege of doing business as a corporation in the state of Washington. No corporation shall do business in this state without first having paid its annual license fee, except as provided in RCW 23A.36.010 and 23A.36.020.

Failure of the corporation to pay its annual license fees shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

Every domestic corporation which shall fail for three consecutive years to acquire an annual license for the privilege of doing business in this state shall cease to exist as a corporation on the third anniversary of the date it was last licensed to do business in this state. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 23A.28.250 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

A domestic corporation which has not ceased to exist by operation of law may restore its privilege to do business by paying the current annual license fee and a

restoration fee which shall include a sum equivalent to the amount of annual license fees the corporation would have paid had it continuously maintained its privilege to do business plus an additional fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the time it would have been paid had the corporation maintained its privilege to do business to the date when the corporation restored its privilege to do business: PROVIDED, That the minimum additional license fee due under this section shall be two dollars and fifty cents. A corporation which has ceased to exist may reinstate within two years by paying all fees specified above plus a reinstatement fee of ten dollars and upon doing so shall be reinstated and again be entitled to do business, and may use its former corporate name if that name is not then in use by a corporation then in existence. If the former name is not available, the corporation may file amended articles to adopt a new name simultaneous with reinstatement. Upon payment of the above fees, restoration and reinstatement of the privilege to do business shall be effective, and the corporation shall have all the rights and privileges it would have possessed had it continually maintained its privilege to do business.

When any domestic corporation first fails to pay its annual license fee when due, the secretary of state shall, in that year only, mail to the corporation at its registered office, by first class mail, a notice that if it does not pay its annual license fee it will no longer have the privilege of doing business in this state, and that the corporation's privilege may be restored as provided in this section, and the notice shall contain a reminder that, if the privilege is not restored for three consecutive years, the existence of the corporation shall cease without further notice.

Sec. 58. Section 1, chapter 2, Laws of 1971 ex. sess. and RCW 23A.40.150 are each amended to read as follows:

There is hereby imposed and levied on the license and filing fees on domestic ((and foreign)) corporations as prescribed by RCW 23A.40.040(;) and 23A.40.060(~~(, 23A.40.130 and 23A.40.140)~~) a surtax of twenty-five percent to be collected from those corporations at the time they pay those license and filing fees. All fees collected in compliance with this section shall be deposited in the state general fund.

Sec. 59. Section 165, chapter 53, Laws of 1965 and RCW 23A.98.030 are each amended to read as follows:

Nothing contained in this title shall be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of RCW 23A.40.020, subsections 1 and 2 of RCW 23A.40.030, and RCW 23A.40.040, 23A.40.050, 23A.40.060, 23A.40.070, 23A.40.080, 23A.40.090, (~~(23A.40.130 and 23A.40.140)~~) sections 51 and 52 of this 1979 act shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963 extraordinary session), approved by the people on November 3, 1964.

**NEW SECTION.** Sec. 60. The following acts or parts of acts are each repealed:

- (1) Section 58, chapter 53, Laws of 1965 and RCW 23A.12.050;
- (2) Section 66, chapter 53, Laws of 1965, section 5, chapter 190, Laws of 1967, section 7, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.070;
- (3) Section 144, chapter 53, Laws of 1965 and RCW 23A.40.110;
- (4) Section 145, chapter 53, Laws of 1965 and RCW 23A.40.120;
- (5) Section 146, chapter 53, Laws of 1965 and RCW 23A.40.130;
- (6) Section 147, chapter 53, Laws of 1965 and RCW 23A.40.140; and
- (7) Section 156, chapter 53, Laws of 1965 and RCW 23A.44.090."

In line 1 of the title, after "corporations;" strike the remainder of the title, down to and including the period on page 3, line 27, and insert "amending section 3, chapter 53, Laws of 1965 and RCW 23A.04.010; amending section 4, chapter 53, Laws of 1965 and RCW 23A.08.010; amending section 5, chapter 53, Laws of 1965 as amended by section 1, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.020; amending section 2, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.025; amending section 8, chapter 53, Laws of 1965 and RCW 23A.08.050; amending section 9, chapter 53, Laws of 1965 as amended by section 1, chapter 83, Laws of 1969 ex. sess. and RCW 23A.08.060; amending section 13, chapter 53, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1977 ex. sess. and RCW 23A.08.100; amending section 15, chapter 53, Laws of 1965 and RCW 23A.08.120; amending section 18, chapter 53, Laws of 1965 and RCW 23A.08.150; amending section 22, chapter 53, Laws of 1965 and RCW 23A.08.190; amending section 23, chapter 53, Laws of 1965 and RCW 23A.08.200; amending section 26, chapter 53, Laws of 1965 and RCW 23A.08.230; amending section 28, chapter 53, Laws of 1965 and RCW 23A.08.250; amending section 31, chapter 53, Laws of 1965 and RCW 23A.08.280; amending section 32, chapter 53, Laws of 1965 and RCW 23A.08.290; amending section 33, chapter 53, Laws of 1965 and RCW 23A.08.300; amending section 1, chapter 176, Laws of 1967 and RCW 23A.08.345; amending section 38, chapter 53, Laws of 1965 as amended by section 2, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.350; amending section 41, chapter 53, Laws of 1965 and RCW 23A.08.380; amending section 42, chapter 53, Laws of 1965 and RCW 23A.08.390; amending section 44, chapter 53, Laws of 1965 as amended by section 3, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.410; amending section 45, chapter 53, Laws of 1965 and RCW 23A.08.420; amending section 48, chapter 53, Laws of 1965 and RCW 23A.08.450; amending section 50, chapter 53, Laws of 1965 as amended by section 4, chapter 264, Laws of 1975 1st ex. sess. and RCW 23A.08.470; amending section 53, chapter 53, Laws of 1965 and RCW 23A.08.500; amending section 55, chapter 53, Laws of 1965 and RCW 23A.12.020; amending section 57, chapter 53, Laws of 1965 and RCW 23A.12.040; amending section 59, chapter 53, Laws of 1965 and RCW 23A.12.060; amending section 61, chapter 53, Laws of 1965 and RCW 23A.16.020; amending section 63, chapter 53, Laws of 1965 as amended by section 5, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.040; amending section 65, chapter 53, Laws of 1965 and RCW 23A.16.060; amending section 67, chapter 53, Laws of 1965 as amended by section 8, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.080; amending section 75, chapter 53, Laws of 1965 and RCW 23A.20.030; amending section 76, chapter 53, Laws of 1965 as amended by section 12, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.040; amending section 77, chapter 53, Laws of 1965 as last amended by section 13, chapter 193, Laws of 1977 ex. sess. and RCW 23A.20.050; amending section 78, chapter 53, Laws of 1965 and RCW 23A.20.060; amending section 79, chapter 53, Laws of 1965 and RCW 23A.20.070; amending section 80, chapter 53, Laws of 1965 and RCW 23A.24.010; amending section 81, chapter 53, Laws of 1965 and RCW 23A.24.020; amending section 82, chapter 53, Laws of 1965 and RCW 23A.24.030; amending section 83, chapter 53, Laws of 1965 and RCW 23A.24.040; amending section 84, chapter 53, Laws of 1965 as amended by section 14, chapter 193, Laws of 1977 ex. sess. and RCW 23A.28.010; amending section 109, chapter 53, Laws of 1965 and RCW 23A.32.010; amending section 111, chapter 53, Laws of 1965 as amended by section 6, chapter 190, Laws of 1967 and RCW 23A.32.030; amending section 112, chapter 53, Laws of 1965 and RCW 23A.32.040; amending section 113, chapter 53, Laws of 1965 as amended by section 1, chapter 22, Laws of 1971 and RCW 23A.32.050; amending section 114, chapter 53, Laws of 1965 as last amended by section 1, chapter 89, Laws of 1973 and RCW 23A.32.060; amending section 117, chapter 53, Laws of 1965 and RCW 23A.32.090; amending

section 122, chapter 53, Laws of 1965 and RCW 23A.32.140; amending section 130, chapter 53, Laws of 1965 and RCW 23A.36.030; amending section 4, chapter 92, Laws of 1969 ex. sess. as last amended by section 1, chapter 36, Laws of 1975 1st ex. sess. and RCW 23A.40.075; amending section 1, chapter 2, Laws of 1971 ex. sess. and RCW 23A.40.150; amending section 165, chapter 53, Laws of 1965 and RCW 23A.98.030; adding a new section to chapter 23A.08 RCW; adding a new section to chapter 23A.16 RCW; adding a new section to chapter 23A.20 RCW; adding new sections to chapter 23A.32 RCW; repealing section 58, chapter 53, Laws of 1965 and RCW 23A.12.050; repealing section 66, chapter 53, Laws of 1965, section 5, chapter 190, Laws of 1967, section 7, chapter 193, Laws of 1977 ex. sess. and RCW 23A.16.070; repealing section 144, chapter 53, Laws of 1965 and RCW 23A.40.110; repealing section 145, chapter 53, Laws of 1965 and RCW 23A.40.120; repealing section 146, chapter 53, Laws of 1965 and RCW 23A.40.130; repealing section 147, chapter 53, Laws of 1965 and RCW 23A.40.140; and repealing section 156, chapter 53, Laws of 1965 and RCW 23A.44.090.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Marsh, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2119.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2119, 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 Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Gould, Quigg—2.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2119, 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

February 14, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2148 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. A supplemental budget as set forth in sections 2 through 22 of this 1979 act is hereby adopted and, subject to the provisions set forth in sections 2 through 22 of this 1979 act, the several amounts specified in sections 2 through 22 of this 1979 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1977, and ending June 30, 1979, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

**NEW SECTION. Sec. 2. FOR THE SECRETARY OF STATE**

General Fund Appropriation .....	\$	797,000
Total Appropriation .....	\$	797,000

The appropriation contained in this section shall be subject to the following condition or limitation: This appropriation shall be expended exclusively to reimburse counties for the state share of 1977 election costs.

**NEW SECTION. Sec. 3. FOR THE STATE TREASURER—  
TRANSFERS**

General Fund—Investment Reserve Account Approp- riation: For transfer to the General Fund on or before June 30, 1979 (in addition to amounts appropriated in section 158, chapter 339, Laws of 1977 ex. sess.) .....	\$	5,000,000
Total Appropriation .....	\$	5,000,000

**NEW SECTION. Sec. 4. FOR THE OFFICE OF FINANCIAL  
MANAGEMENT**

General Fund Appropriation .....	\$	413,000
Total Appropriation .....	\$	413,000

The appropriation contained in this section shall be subject to the following conditions or limitations: This appropriation shall be expended for the initiation of systems development and implementation of a personnel/payroll system for the institutions of higher education including the community college system: PROVIDED, That these funds shall not be expended for costs incurred prior to the effective date of this act: PROVIDED FURTHER, That these funds shall be expended exclusively for costs associated with the contractual agreement reached with the vendor to develop the system and the cost of a project manager position in the office of financial management.

**NEW SECTION. Sec. 5. FOR THE WASHINGTON STATE DATA PRO-  
CESSING AUTHORITY**

General Fund Appropriation .....	\$	125,000
Total Appropriation .....	\$	125,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be expended for a consultant study and evaluation of the organization and administration of the state's data processing resources. Study oversight shall be by the directors of the Washington state data processing authority and the legislative evaluation and accountability program committee.

**NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION**

Department of General Administration Facilities and Services Revolving Fund Appropriation .....	\$	445,000
Total Appropriation .....	\$	445,000

**NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL  
ADMINISTRATION—CAPITAL**

General Fund—Outdoor Recreation Account Approp- riation .....	\$	739,000
Total Appropriation .....	\$	739,000

The appropriation contained in this section shall be subject to the following condition or limitation: The \$739,000 Outdoor Recreation Account appropriation is intended exclusively to replace Referendum 28 funds appropriated pursuant to section 4(12), chapter 338, Laws of 1977 ex. sess. with Initiative 215 funds.

**NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

General Fund Appropriation—State .....	\$	20,472,000
General Fund Appropriation—Federal .....	\$	10,514,000
DSHS Construction Account .....	\$	893,000
Total Appropriation .....	\$	31,879,000

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$23,000 from the state general fund and \$893,000 from the DSHS construction account may be expended for the adult corrections program of which:

(a) \$23,000 from the state general fund shall be for the improvement of the fence system at the Washington corrections center;

(b) \$376,000 from the DSHS construction account shall be for the purchase and installation of an electronic perimeter security system at the Washington corrections center; and

(c) \$100,000 from the DSHS construction account shall be for contingency expenses for the 144-bed facility at the Washington state reformatory;

(d) \$417,000 from the DSHS construction account shall be expended for schematics and design development:

(i) To improve security, facilities, and utilities at the Washington state penitentiary;

(ii) To convert the 300-bed minimum security facility to a medium security facility at the Washington state penitentiary;

(iii) To renovate unused facilities at the Washington state penitentiary to provide a 100-resident minimum security unit; and

(iv) To construct and equip a 120-bed medium security unit at the Washington corrections center: PROVIDED, That the department of social and health services shall submit completed schematics and report on design development documents for these projects to the senate ways and means committee and house appropriations committee not later than June 20, 1979.

(2) Not more than \$1,047,000 from the general fund, of which \$52,000 shall be federal funds, and 74.9 FTE may be expended for the mental health program of which:

(a) \$167,000 from the general fund, of which \$27,000 shall be federal funds, and 13.3 FTE shall be expended at Western State Hospital for increased population levels;

(b) \$378,000 from the state general fund and 23.7 FTE shall be expended at Western State Hospital as an extension of emergency funding for staffing increases and 'Y' wage rating;

(c) \$407,000 from the general fund, of which \$20,000 shall be federal funds, and 30.5 FTE shall be expended at Western State Hospital for the enhancement of treatment and professional staff;

(d) \$95,000 from the general fund, of which \$5,000 shall be federal funds, and 7.4 FTE shall be expended at Eastern State Hospital for the enhancement of treatment staff; and

(e) The funds and staffing provided within these subsections shall be used exclusively for the purpose of improving treatment and professional staff levels at Western State Hospital and Eastern State Hospital, and any unexpended balances shall be placed in allotment reserve and not be available for transfer to other programs.

(3) Not more than \$1,362,000 from the general fund, of which \$681,000 shall be federal funds, may be expended for the nursing home program of which:

(a) \$500,000 from the general fund, of which \$250,000 shall be federal funds, shall be expended for property payment adjustments within the cost reimbursement system;

(b) \$750,000 from the general fund, of which \$375,000 shall be federal funds, shall be expended for food payment adjustments within the cost reimbursement system; and

(c) \$112,000 from the general fund, of which \$56,000 shall be federal funds, shall be expended for the conducting of an audit to determine the validity of reported costs within the cost reimbursement system.

(4) Not more than \$1,689,000 from the general fund, of which \$416,000 shall be federal funds, and 53.2 FTE may be expended for the income maintenance program of which:

(a) \$928,000 from the state general fund shall be expended for noncontinuing general assistance;

(b) \$761,000 from the general fund, of which \$416,000 shall be federal funds, and 53.2 FTE shall be expended for the implementation of required changes in the food stamp program.

(5) Not more than \$3,365,000 of federal funds from the general fund may be expended for the community social services program: PROVIDED, That an equal amount of state general funds shall be placed in reserve.

(6) Notwithstanding the provisions of section 58(2), chapter 339, Laws of 1977 ex. sess., the department shall expend not more than \$2,100,000 for an increase in vendor rates for private child care agencies: PROVIDED, That a report detailing the revised child caring agencies vendor rate system is provided to the senate ways and means committee and the house appropriations committee by March 15, 1979: PROVIDED, FURTHER, That such report shall describe the actual experience of implementing program standards and shall describe in detail the department system of:

(a) Classification of children according to their needs;

(b) Classification of facilities according to established program standards;

(c) Reimbursement which compensates facilities for services provided;

(d) Program and fiscal operation standards; and

(e) Audit review of the implementation of such program and the fiscal operation standards.

(7) Not more than \$23,500,000 from the general fund, of which \$6,000,000 shall be federal funds, may be expended in the medical assistance program.

**NEW SECTION. Sec. 9. FOR THE JAIL COMMISSION.** Notwithstanding the provisions of section 17, chapter 339, Laws of 1977 ex. sess., the appropriation for the jail commission shall fund such commission for fiscal year 1979 with total expenditures for the year not to exceed \$103,000.

**NEW SECTION. Sec. 10. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation . . . . .	\$	300,000
Total Appropriation . . . . .	\$	300,000

The appropriation contained in this section shall be subject to the following condition or limitation: Up to \$300,000 of the appropriation shall be used exclusively for the provision of the assistance of a special prosecutor on the investigation of indictments linking local government officials to criminal operations. To the extent possible, this appropriation shall be used to match available federal or local funds for this purpose.

**NEW SECTION. Sec. 11. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—Criminal Justice Training Account	
Appropriation .....	\$ 186,000
Total Appropriation .....	\$ 186,000

**NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation .....	\$ 570,000
Accident Fund Appropriation .....	\$ 19,000
Medical Aid Fund Appropriation .....	\$ 19,000
Plumber Certification Fund Appropriation .....	\$ 6,000
Total Appropriation .....	\$ 614,000

The appropriations contained in this section shall be subject to the following condition or limitation: A total of \$524,000 from the general fund appropriation may only be used for payments of benefits pursuant to chapter 7.68 RCW.

**NEW SECTION. Sec. 13. FOR THE STATE ENERGY OFFICE**

General Fund Appropriation—Federal .....	\$ 163,000
Total Appropriation .....	\$ 163,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be expended solely as a continuation of a grant to Washington State University for the extension of the Energy Extension Service pilot project through June 30, 1979: PROVIDED, That such appropriation shall not be expended for administrative or evaluation purposes by the state energy office.

**NEW SECTION. Sec. 14. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State and Local Improvements	
Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. (Referendum 28) .....	\$ 109,000
General Fund Appropriation .....	\$ 95,000
Total Appropriation .....	\$ 204,000

The appropriations contained in this section shall be subject to the following condition or limitation: All funds in the General Fund—State and Local Improvements Revolving Account appropriation shall be placed in reserve status by the office of financial management for the remainder of the biennium.

**NEW SECTION. Sec. 15. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State and Local Improvements	
Revolving Account Appropriation—Public Recreation Facilities: Appropriated pursuant to section 4(3), chapter 129, Laws of 1972 ex. sess. ....	\$ 196,000
Total Appropriation .....	\$ 196,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be placed in reserve status by the office of financial management for the remainder of the biennium.

**NEW SECTION. Sec. 16. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund—Outdoor Recreation Account Appropriation: Appropriated pursuant to section 4(2), chapter 129, Laws of 1972 ex. sess. (Referendum 28) .....	\$ 287,000
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Total Appropriation . . . . . \$ 287,000

The appropriation contained in this section shall be subject to the following condition or limitation: All funds shall be placed in reserve status by the office of financial management for the remainder of the biennium.

**NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF GAME**

Game Fund Appropriation . . . . . \$ 552,000  
Total Appropriation . . . . . \$ 552,000

**NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund Appropriation . . . . . \$ 750,000  
Total Appropriation . . . . . \$ 750,000

The appropriation contained in this section shall be subject to the following condition or limitation: These funds shall be expended exclusively for the purpose of emergency forest fire suppression.

**NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation . . . . . \$ 813,000  
General Fund—State Board of Psychological Examiners Account Appropriation . . . . . \$ 4,000  
Highway Safety Fund Appropriation . . . . . \$ 158,000  
Motor Vehicle Fund Appropriation . . . . . \$ 655,000  
Total Appropriation . . . . . \$ 1,630,000

The appropriations contained in this section shall be subject to the following condition or limitation: \$449,000 of the state general fund appropriation for the business license center shall not be expended without the approval of the house appropriations and senate ways and means committees. The department of licensing and office of financial management shall present their findings on the cost effectiveness of the business license center to the above-named committees by March 1, 1979.

**NEW SECTION. Sec. 20. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund Appropriation . . . . . \$ 20,306,000  
Total Appropriation . . . . . \$ 20,306,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

- (1) Not more than \$82,000 shall be expended for non-high school district reimbursement costs.
- (2) Not more than \$15,500,000 shall be expended for pupil transportation costs.
- (3) Not more than \$4,651,000 shall be expended for handicapped education costs.
- (4) Not more than \$73,000 shall be expended for environmental education costs.

(5) Not more than \$65,000 from that amount contained in subsection (2) of this section shall be expended for the planning of a regional transportation model by educational service district No. 121.

**NEW SECTION. Sec. 21.** Notwithstanding the provisions of section 97(1)(i), chapter 339, Laws of 1977 ex. sess., the allocation of moneys by the Superintendent of Public Instruction for nonemployee related costs for the 1978-79 school year shall be \$6,438 for each allocated certificated staff unit as determined by section 97(1)(b), chapter 339, Laws of 1977 ex. sess.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Donohue, the Senate concurred in the House amendment to Engrossed Substitute Bill No. 2148.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2148, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Marsh, Matson, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—34.

Voting nay: Senators Benitz, Bluechel, Clarke, Guess, Hayner, Jones, Lee, Lewis, Lysen, Morrison, Sellar, Talley—12.

Absent or not voting: Senators Gould, Henry—2.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2148, 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, the Senate returned to the third order of business.

### MESSAGES FROM THE GOVERNOR

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

Eleanor Brand, appointed April 1, 1979, for a term ending March 1, 1983, succeeding Robert M. Ford as a member of the Board of Tax Appeals.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to the Committee on Ways and Means.

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

Mr. James T. Hughes, appointed March 12, 1979, for a term ending at the pleasure of the Governor, succeeding John Hewitt as Director of the Department of Labor and Industries.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to the Committee on Labor.

Office of the Governor, February 27, 1979.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
LADIES AND GENTLEMEN:

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

Robert C. Anderson, appointed May 1, 1979, for a term ending at the pleasure of the Governor, succeeding Kazuo Watanabe as Director of the Department of Commerce and Economic Development.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Commerce.

### MESSAGES FROM THE HOUSE

March 1, 1979.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 26,

HOUSE BILL NO. 187, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 1, 1979.

Mr. President: The Speakers have signed: SENATE BILL NO. 2111, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 26,

HOUSE BILL NO. 187.

### MOTIONS

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

On motion of Senator Walgren, the Committee on Financial Institutions was relieved from further consideration of Senate Bill No. 3162.

On motion of Senator Walgren, Senate Bill No. 3162 was rereferred to the Committee on Labor.

On motion of Senator Walgren, the Senate returned to the first order of business.

On motion of Senator Walgren, all committee reports listed on the supplemental standing committee reports list were passed to the Committee on Rules with the exception of Senate Bill No. 2789 which was rereferred to the Committee on Ways and Means.

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

## REPORTS OF STANDING COMMITTEES

February 28, 1979.

SENATE BILL NO. 2429, clarifying administrative provisions of the public employment relations commission (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

February 28, 1979.

SENATE BILL NO. 2430, removing transcription requirement for hearings of the public employment commission (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

February 28, 1979.

SENATE BILL NO. 2431, including port districts within collective bargaining laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

February 28, 1979.

SENATE BILL NO. 2506, prohibiting the mandatory retirement of public employees under the age of seventy (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

March 1, 1979.

SENATE BILL NO. 2789, abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto (reported by Committee on Education):

Recommendation: Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Rereferred to Committee on Ways and Means.

February 28, 1979.

HOUSE BILL NO. 18, enacting the uniform child custody jurisdiction act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 50, providing for limited liability of landowners for recreational use of their land by the public (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 52, permitting municipal courts to be terminated by city ordinance at any time (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 66, correcting a mistake (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 87, regulating agricultural commodity warehouses (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 92, allowing corporate employees to withdraw from industrial insurance eligibility (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Morrison.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 99, modifying the procedure for the selection of prospective jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 149, relating to county law libraries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 155, repealing a provision of the financial responsibility law preventing discharge in bankruptcy (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 1, 1979.

HOUSE BILL NO. 191, allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 218, designating an official dance for the state (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 219, eliminating basic science examination requirement for physicians, surgeons, and osteopaths (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 229, revising laws relating to public livestock markets (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 230, revising laws relating to identification of cattle through licensing of certificated feed lots (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 238, providing for urban parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 279, excluding small civil claims from the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

HOUSE BILL NO. 307, revising the criminal code (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 1, 1979.

HOUSE BILL NO. 365, authorizing satellite facilities for credit unions (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, providing for fund disbursement by irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

ENGROSSED HOUSE BILL NO. 424, allowing negotiation of court filing fees between cities and counties (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 425, permitting each county's superior court to authorize mandatory arbitration for civil actions less than ten thousand dollars (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 1, 1979.

HOUSE BILL NO. 455, eliminating laws regulating employee welfare trust funds (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

March 1, 1979.

SUBSTITUTE HOUSE BILL NO. 459, modifying the insurance laws (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 504, modifying requirements for senior citizen park passes (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

March 1, 1979.

**SUBSTITUTE HOUSE BILL NO. 546**, revising the billing for the expenses of examiners for insurers (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

February 28, 1979.

**HOUSE BILL NO. 576**, revising laws regulating apprenticeships (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

February 28, 1979.

**ENGROSSED HOUSE BILL NO. 612**, increasing workmen's compensation for permanent partial disabilities (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

February 28, 1979.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 617**, providing tax relief for farmlands (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Hansen, Chairman; Day, Gaspard, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1979.

**HOUSE BILL NO. 668**, modifying restrictions on governmental access to records of the employment security department (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 704**, modifying the laws regulating driving while under the influence of intoxicating liquor (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

February 27, 1979.

**HOUSE BILL NO. 754**, adjusting workers' compensation payments (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 864**, authorizing restrictions on the movement of cattle (reported by Committee on Agriculture):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Wilson.

Passed to Committee on Rules for second reading.

### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

February 27, 1979.

**PAUL ROBERTS**, to the position of member of the Public Employment Relations Commission, appointed by the Governor on February 3, 1977, for the term ending September 8, 1979, succeeding Robert E. Arkell (reported by the Committee on Labor):

**MAJORITY** recommends that said appointment be confirmed.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules.

February 27, 1979.

**DON E. OLSON, JR.**, to the position of member of the Public Employment Relations Commission, appointed by the Governor on October 18, 1978, for the term ending September 8, 1983, succeeding Michael H. Beck (reported by the Committee on Labor):

**MAJORITY** recommends that said appointment be confirmed.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules.

February 27, 1979.

**DR. EUGENE WIEGMAN**, to the position of Commissioner of the Department of Employment Security, appointed by the Governor on February 1, 1978, for the term ending at the pleasure of the Governor, succeeding Joseph E. Garcia (reported by the Committee on Labor):

**MAJORITY** recommends that said appointment be confirmed.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules.

### MOTION

At 12:40 p.m., on motion of Senator Walgren, 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 Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 139.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 139**, by Committee on Local Government (originally sponsored by Representatives Warnke, Zimmerman and Brown):

Providing deadlines for local governments to approve special purpose districts' comprehensive plan.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 139 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 139 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Benitz, Ridder—2.

Excused: Senator Keefe—1.

**SUBSTITUTE HOUSE BILL NO. 139**, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Wilson, Senator Ridder was excused.

## SECOND READING

**HOUSE BILL NO. 127**, by Representatives Walk, Taller, Burns, Sanders, Ehlers, Vrooman and Addison (by Committee on State Government request):

Modifying the Sunset Act of 1977.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 127 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 127 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Sellar—1.

Excused: Senators Keefe, Ridder—2.

HOUSE BILL NO. 127, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Jones, Senator Sellar was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 178, by Representatives Schmitt, Vrooman, Jovanovich and Mitchell:

Making available department of natural resources equipment, personnel, and services to certain landowners.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 178 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I am looking at the title of this act and is tansy ragwort listed as relating to forests and forest products? It is an awfully big weed, if it is."

Senator Bottiger: "Well, Senator Rasmussen, it is an act relating to forest and forest products and it is talking about land management. One of the problems is spraying out a weed. This is one problem. Obviously, there are others. When you put in some of the beetle, the infestation controls there is no way to tell where one property owner starts with another as far as an airplane flying over, so I would imagine they do it on an acreage basis, a certain percentage of the area sprayed, if you were talking about that kind of thing.

"Now tansy ragwort spreads through forest lands, spreads very fast and very effectively in the shaded areas along a cut, especially in new cut lands and those of us that were watching for a way to solve some of this problem are hoping this bill passes."

#### MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 178 was ordered held for consideration following Substitute House Bill No. 82 on today's second reading calendar.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 796, by Committee on Local Government (originally sponsored by Representatives O'Brien, Valle and Erak):

Permitting Seattle to charge admission to the hydroplane races.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 796 was advanced to third reading, the second 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. 796 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 796, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 486, by Committee on Ecology (originally sponsored by Representatives Barr, Fancher and Hughes):

Authorizing sale of certain second class shorelands by the state.

The bill was read the second time by sections.

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

On page 1, line 10, after "interest" insert ": PROVIDED, That the purpose of this section is to remove the prohibition contained in RCW 79.01.470 regarding the sale of second class shorelands to abutting owners, whose uplands front upon the shorelands. Nothing contained in this section shall be construed to otherwise affect the rights of interested parties relating to public or private ownership of shorelands within the state."

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 486, 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: "Senator Clarke, doesn't this open this thing broad enough so to include tidelands and saltwater?"

Senator Clarke: "No, I don't see how it could. The bill itself is restricted to inland lakes."

Senator Talley: "But, this would open it wide open, wouldn't it?"

Senator Clarke: "No, all that this amendment does is to make plain that the bill shall not be construed to affect the rights of the parties other than to permit this sale and this sale is restricted to the sale of second class shorelands. I do not see how it could be possibly construed to in any way extend to, or affect, tidelands."

Senator Talley: "What do you call a second class shoreland?"

Senator Clarke: "Second class shorelands are, as I recall it, has to do with inland lakes. They are not tidelands and I think that they relate to that property which is between the line of normal high water and navigability."

Senator Talley: "I think it is a little broader than that, Senator Clarke, it said they cannot be within two miles of a city, or something like that? The city limits."

Senator Clarke: "I believe that is first class shorelands."

Senator Talley: "No, that is second class. First class is within two miles of the city limits. I do not know what you are doing with this amendment, but it seems awfully broad."

## REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, and Senator Talley, the bill relates only to second class shorelands, which are those pertaining to inland lakes and the effect of Senator Clarke's amendment is simply to say that other than the principle purpose

of the bill that nothing else regarding the status of any shorelands in the state would be affected or modified."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 486, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—38.

Voting nay: Senators Conner, Fleming, Moore, Odegaard, Shinpoch, Talley, Talmadge, Van Hollebeke, Williams, Wojahn—10.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 486, as amended by the Senate, having received the constitutional majority, 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. 82, by Committee on Financial Institutions (originally sponsored by Representatives Eng, Lux and Wilson):

Regulating cemetery prearrangement contracts.

The bill was read the second time by sections.

On motion of Senator Gould, the rules were suspended, Substitute House Bill No. 82 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: "Senator Gould, I have not had a chance to read the bill in its present form. Could you give us a little bit more information on the other restrictions that have been written into it?"

Senator Gould: "Certainly. One of the problems that developed out of, for instance, the Floral Hills fiasco, as we call it in our area, was that the money which was paid into pre-arrangement contracts was not held in trust — in a trust account until you had fifty percented. The law allows that fifty percent can be used by the operator first and then the last fifty percent would be held in trust. The option now is that a cemetery authority, an operator, can do that. But if they decide not to put the first fifty percent into a trust account, they must have a bond, a surety bond. Also, another part of this is that the cemetery board has the authority to request a financial report annually from a cemetery. I mean, a cemetery board has the authority to request a financial report annually. Those are two of the major portions of it."

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 82 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 82, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED HOUSE BILL NO. 178, by Representatives Schmitten, Vrooman, Jovanovich and Mitchell:

Making available department of natural resources equipment, personnel, and services to certain landowners.

The Senate resumed consideration of Engrossed House Bill No. 178 on third reading.

On motion of Senator Rasmussen, the rules were suspended and Engrossed House Bill No. 178 was returned to second reading.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Guess:

On page 1, line 22, strike "parties" and insert "owners or agents of the owners of the private lands".

Debate ensued.

On motion of Senator Talley, the amendment by Senators Rasmussen and Guess was laid upon the table on a rising vote.

### MOTIONS

On motion of Senator Lewis, Senator Matson was excused.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 178 was advanced to third reading, the second reading considered 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. 178 and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—30.

Voting nay: Senators Benitz, Bluechel, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Moore, Morrison, Newschwander, North, Pullen, Shinpoch, Talmadge—16.

Absent or not voting: Senator Walgren—1.

Excused: Senators Keefe, Matson—2.

ENGROSSED HOUSE BILL NO. 178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 729, by Committee on State Government (originally sponsored by Representatives Douthwaite, Taller,

Newhouse, Blair, Keller, Salatino and Lux) (by State Employees' Insurance Board request):

Modifying the laws on panel medicine plans for state employees.

### REPORT OF STANDING COMMITTEE

February 27, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 729, modifying the laws on panel medicine plans for state employees, (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 5, after "contribution" strike "shall" and insert "may".

On page 4, after line 17, strike all of the material down to and including "coverage." on line 21.

Renumber the remaining subsections consecutively.

Signed by: Senators Rasmussen, Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment to page 4, line 5.

### POINT OF INQUIRY

Senator Day: "Senator Rasmussen, it is my understanding that by striking 'shall' and inserting 'may' that this in no way is legislative intent that we pay more for one plan than for another."

Senator Rasmussen: "That is correct. It would allow that cost to be absorbed in the present fund though if they so desired."

The motion by Senator Rasmussen carried and the committee amendment to page 4, line 5 was adopted.

On motion of Senator Rasmussen, the committee amendment to page 4, following line 17 was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 729, 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 Donohue: "Senator Rasmussen, underlined language on page 4, top of the page starting with line 2, where it says 'unless the board approves a panel medicine plan at a subscription rate, etc., an employee contribution shall be authorized at an amount equal to such excess'. Are we opening the door where they are going to be coming back to us eventually and wanting larger appropriations that relates to medical care? Are we opening the door far beyond. . . ."

Senator Rasmussen: "No, Senator Donohue, if you read that line five 'an employee contribution'."

Senator Donohue: "I understand that, Senator, and that is what I am concerned about."

Senator Rasmussen: "We have 'an employee contribution' would be what the individual authorized rather than what we as a state authorize the amount we will spend for health care."

Senator Donohue: "But, when you historically, isn't it true that when employees have to contribute more that they usually come back to the legislature and ask the legislature to pick up the cost?"

Senator Rasmussen: "Senator Donohue, you are absolutely correct and that is why they have the legislature here. It says that they will spend only so much money."

Senator Donohue: "To historically agree with the state employees union when they come before us, Senator."

Senator Rasmussen: "I would assume that everybody asks for everything they can get and it is up to us to say what we are going to give you is fair but there is no requirement in this bill that you have to exceed any amount that the legislature appropriates. Be of good cheer."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 729, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Henry, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Donohue, Guess, Hansen, Hayner, Jones, Lewis, Quigg, Sellar, Wanamaker—9.

Excused: Senators Keefe, Matson—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 729, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:10 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Friday, March 2, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FOURTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 2, 1979.

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 Bausch, Benitz, Gallagher and Keefe. On motion of Senator Wilson, Senators Bausch and Keefe were excused.

The Color Guard, consisting of Pages Toni Brazier and Tobey Littman, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, AS THE SESSION FOR ANOTHER DAY BEGINS, THERE ARE A NUMBER OF FEELINGS THAT BEGIN TO SURFACE. MAYBE THEY ARE BEST EXPRESSED BY THE NOVELIST'S WORDS: 'THESE ARE THE BEST OF TIMES, THESE ARE THE WORST OF TIMES'. WE HAVE SOME GOOD FEELINGS ABOUT WORK THAT HAS ALREADY BEEN ACCOMPLISHED, BUT WE ALSO HAVE SOME FEELINGS OF ANXIETY AND FRUSTRATION WITH THE TASK THAT IS STILL UNTOUCHED. AS THE DAY CONTINUES, REMIND US AGAIN THAT SIMPLY BECAUSE WE SILENCE THE OPPOSITION DOES NOT MEAN THAT WE HAVE WON OR EVEN THAT WE ARE RIGHT. KEEP US FROM THE FALSE ASSUMPTION THAT MIGHT CAN MAKE RIGHT, THAT NUMERICAL STRENGTH CAN BE EQUATED WITH JUSTICE. FREE US THIS DAY TO HEAR YOUR STILL SMALL VOICE WHICH CALLS FROM EACH OF US THE VERY BEST WE HAVE. IN THE NAME OF CHRIST. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 1, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, controlling vehicle emissions (reported by Committee on Ecology):

Recommendation: Do pass as amended.

Signed by: Senators Williams, Chairman; Donohue, Goltz, Guess, Hansen, North, Scott.

Passed to Committee on Rules for second reading.

March 1, 1979.

HOUSE JOINT RESOLUTION NO. 31, establishing a redistricting commission (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

March 1, 1979.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 480,  
 ENGROSSED HOUSE BILL NO. 642, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 1, 1979.

Mr. President: The House has passed:  
 SUBSTITUTE SENATE BILL NO. 2028,  
 ENGROSSED SENATE BILL NO. 2178,  
 ENGROSSED SENATE BILL NO. 2186,  
 ENGROSSED SENATE BILL NO. 2417, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 1, 1979.

Mr. President: The House has passed:  
 HOUSE BILL NO. 296,  
 SUBSTITUTE HOUSE BILL NO. 405, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 1, 1979.

Mr. President: The Speakers have signed:  
 SENATE BILL NO. 2221,  
 SENATE BILL NO. 2233,  
 SENATE BILL NO. 2366,  
 SENATE BILL NO. 2486, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 296, by Representatives Sommers (by Department of Revenue request):

Modifying the use tax exemptions.  
 Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 405, by Committee on Revenue (originally sponsored by Representatives Bond, Galloway, G.A. Nelson, Sommers, D. Nelson, Hastings, McDonald and Struthers):

Changing the law on tax deferral.  
 Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480, by Committee on Social and Health Services (originally sponsored by Representatives Adams, O'Brien, Whiteside, Eng, Maxie, May, Brekke, Winsley, Lux, North, and Haley) (by Executive request):

Revising the laws against discrimination to include persons with physical handicaps.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 642, by Representatives Sanders, Owen, Bond, Amen, Walk, Craswell, Flanagan, Greengo, Hastings, Addison, G. Nelson, Pruitt, Lux, Winsley, Hurley, North, May, Brown, Dunlap, Granlund, Fuller, Polk, Galloway, Smith (C), Rohrbach, Clayton, Taylor, Fancher, Rosbach, Grimm, Van Dyken and McGinnis:

Increasing state business and occupation tax monetary exemption.  
Referred to Committee on Ways and Means.

### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2119,  
SUBSTITUTE SENATE BILL NO. 2148.

### MOTION

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

### MOTION

Senator Walgren moved that a three minute speech be permitted by any member and one set of remarks on any particular bill under consideration.

### POINT OF INQUIRY

Senator Odegaard: "Senator Walgren, does that mean there would be no response allowed to a question on a proponent's bill?"

Senator Walgren: "No, I would assume that there could be the usual question and answer, but that would be for that purpose only, not for the purpose of making a speech."

The motion by Senator Walgren carried.

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

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 16, by Committee on Local Government (originally sponsored by Representatives Whiteside, Winsley, Van Dyken, Isaacson, Fuller and Barnes):

Authorizing local governments to administer senior citizen programs.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 16 was advanced to third reading, the second 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. 16, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Scott—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 16, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bluechel, Senator Quigg was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 226, by Representatives Heck, Thompson, Grimm, Barnes, Galloway, Bauer, Zimmerman, Burns and Williams:

Authorizing certain reciprocity tuition and fee waivers with the state of Oregon.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Engrossed House Bill No. 226 was advanced to third reading, the second 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. 226, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Scott—1.

Excused: Senators Keefe, Quigg—2.

ENGROSSED HOUSE BILL NO. 226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 333, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Schmitten, Vrooman, Wilson and Jovanovich):

Establishing a two-year program restricting salmon charter boat fishing.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 333 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Peterson, how much does it cost to go out for deep sea fishing on these charter boats?"

Senator Peterson: "I did not go this last year, but I think it is about twenty-two dollars to twenty-five dollars."

Senator Guess: "If there was a surplus of boats, or where you really had competition in it, couldn't that price come down if a person could carry two more people instead of now carrying six, he could carry eight? Couldn't he afford to cut their price?"

Senator Peterson: "That has not been the case, Senator. Before we had a moratorium, when I started fishing at Westport I paid twelve dollars a day and it subsequently has gone up and up and up. The boats increased to the point to where to take the pressure off the fisheries, that was the original intent of the moratorium and we are talking about conservation. But, as far as lowering the price to the consumer, I would say there is very little likelihood."

Senator Guess: "Well, Senator Peterson, maybe I didn't get the reason for the moratorium. Is it because they want to keep from catching fish?"

Senator Peterson: "The reason for the moratorium, initially when we passed it, was the same reason that we passed the moratorium on commercial salmon licenses. We brought the charter boat people in under the same category, the same act. That is the reason, conservation."

Senator Guess: "Conservation, oh, we really do not care what happens to the charter boat owner, whether he can make it or not?"

Senator Peterson: "Yes, we care, of course we care, that is one of the reasons that that green bill is before you and the charter boat people fully support this concept."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 333, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Fleming, Gallagher, Gaspard, Goltz, Gould, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Ridder, Scott, Shipoch, Talley, Talmadge, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Conner, Day, Donohue, Guess, Hansen, Pullen, Rasmussen, Sellar, Van Hollebeke, von Reichbauer—10.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 333, having received the constitutional majority, 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. 482, by Representatives Winsley, Eng and Lux:  
Modifying restriction on certificates of deposit issued by savings banks.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, House Bill No. 482 was advanced to third reading, the second 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. 482, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 482, having received the constitutional majority, 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. 602, by Representatives Rohrbach, Douthwaite, Dawson and Maxie:

Permitting reliance on a CPA's audit in an insurance examination.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, House Bill No. 602 was advanced to third reading, the second 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. 602, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 602, having received the constitutional majority, was declared passed. 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, Substitute House Bill No. 803 was made a special order of business immediately after lunch.

### SECOND READING

HOUSE BILL NO. 18, by Representatives Becker, Smith (R.), Tilly, Winsley and Brekke (by House Committee on Judiciary of the 45th Legislature request):

Enacting the uniform child custody jurisdiction act.

The bill was read the second time by sections.

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

On page 15, beginning on line 8, add a new section to read as follows:

"Sec. 26. Section 2, chapter 131, Laws of 1959 as last amended by section 1, chapter 39, Laws of 1977 and RCW 4.28.185 are each amended to read as follows:

(1) Any person, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts in this section enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts;

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) The ownership, use, or possession of any property whether real or personal situated in this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting;

(e) The act of sexual intercourse within this state with respect to which a child may have been conceived;

(f) Living in a marital relationship within this state notwithstanding subsequent departure from this state, as to all proceedings authorized by chapter 26.09 RCW, so long as the petitioning party has continued to reside in this state or has continued to be a member of the armed forces stationed in this state;

(g) The assertion of custody or visitation rights with respect to a juvenile, as to all proceedings authorized by chapter 26. RCW (chapter , Laws of 1979 [House Bill 18]).

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving the defendant outside this state, as provided in RCW 4.28.180, with the same force and effect as though personally served within this state.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law."

Renumber the remaining sections consecutively.

On motion of Senator Talmadge, the following amendment to title was adopted:

On page 1, line 2, after "act;" insert "amending section 2, chapter 131, Laws of 1959 as last amended by section 1, chapter 39, Laws of 1977 and RCW 4.28.185;"

On motion of Senator Marsh, the rules were suspended, House Bill No. 18, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 18, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 18, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Nelson (G.A.), Walk, Sanders, Barr, Jovanovich, Barnes, Williams, Oliver,

Knowles, Scott, Whiteside, Pruitt, Granlund, Sherman, Brekke and Brown) (by House Committee on State Government of 45th Legislature request):

Creating a joint legislative committee to review agency rules.

## REPORT OF STANDING COMMITTEE

February 27, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, creating a joint legislative committee to review agency rules (reported by Committee on State Government):

Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010 are each amended to read as follows:

((For the purpose of this chapter.)) The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state highway commission.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases (~~shall~~) also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(6) "Review committee" means a standing committee of the senate or the house of representatives which has been designated by the respective body for the purpose of selectively reviewing proposed and existing rules of a designated state agency or agencies.

Sec. 2. Section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the appropriate review committee, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by the appropriate review committee, or by an association having not less than twenty-five members.

(2) The agency shall consider fully all written and oral submissions respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

~~((2))~~ (3) No proceeding (~~shall~~) may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

~~((3))~~ (4) If, after the proposed rule has been published initially in the register, the agency decides to alter the initial text so that the proposed rule is substantially different from the initial text, the agency shall submit the altered text as though for initial publication, and the proposal shall again be subject to the provisions of subsections (1) and (3) of this section.

(5) No rule hereafter adopted is valid unless adopted in (~~substantial~~) compliance with this section, (~~or, if~~) unless it is an emergency rule designated as such(~~;~~) and is adopted in (~~substantial~~) compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

NEW SECTION. Sec. 3. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Notice of the designation of a standing committee of the legislature as a review committee for the rules of any particular agency shall be communicated by the house making such designation to the affected agency.

(2) Whenever a majority of the members of a review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the review committee shall give the affected agency written notice of its decision. Such notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule

pursuant to RCW 34.04.025(1)(a)(iii) as now or hereafter amended. Such notice shall include a statement of the review committee's findings and the reasons therefor, and such notice shall also be filed by the review committee with the appropriate review committee in the other house of the legislature.

Sec. 4. Section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030 are each amended to read as follows:

((+)) If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a ((brief)) detailed statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under RCW 34.04.040 and with the appropriate review committees. An emergency rule or amendment ~~((shall))~~ may not remain in effect for longer than ninety days after filing. This section does not relieve any agency from compliance with any law requiring that its rules be approved by designated persons or bodies before they become effective.

~~((2) The emergency rule published in the register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon its filing with the code reviser in accordance with RCW 34.04.040(2):))~~

NEW SECTION. Sec. 5. There is added to chapter 34.04 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 as now or hereafter amended, are subject to review by the legislature.

(2) If a review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that an emergency rule does not meet the requirements of RCW 34.04.030, as now or hereafter amended, for emergency adoption, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the review committee's notice the agency shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The agency shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements.

NEW SECTION. Sec. 6. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by a review committee pursuant to section 3 or 5 of this 1979 act, the affected agency shall notify the review committee of its action regarding a proposed or existing rule that the committee found not within the intent of the legislature. If the review committee determines that the agency has failed to provide for the required hearings or notice of its action to the review committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the review committee finds, by a majority vote of its members, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, the review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objection together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the review committee.

(3) The code reviser shall publish the review committee's notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature.

(5) In any legal proceeding challenging the validity of a rule for which a review committee notice of objection has been published in the Washington state register the burden of proof shall be on the agency to establish that the rule is within the intent of the legislature.

(6) The legislature may, by concurrent resolution, annul any agency rule. In such concurrent resolution the legislature shall state its objections to the rule. The annulment shall be effective upon the concurrent resolution being filed with the code reviser.

Sec. 7. Section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020 are each amended to read as follows:

The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise(;-).

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

(3) "Contested case" means a formal or informal proceeding before an institution of higher education, division, department, office, or designated official or representative thereof in which an opportunity for hearing is required by law, constitutional rights, or institutional policy, prior or subsequent to the determination by the institution of the legal rights, duties, or privileges of specific parties.

(4) "Review committee" means a standing committee of the senate or the house of representatives which has been designated by the respective body for the purpose of selectively reviewing proposed and existing rules of a designated institution of higher education.

Sec. 8. Section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the appropriate review committee, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered;

~~((c))~~ (d) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons or by the appropriate review committee.

(2) The institution shall consider fully all written and oral statements respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements.

~~((2))~~ (3) No proceeding ~~((shall))~~ may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

~~((3))~~ (4) If, after the proposed rule has been published initially in the register, the institution decides to alter the initial text so that the proposed rule is substantially different from the initial text, the institution shall submit the altered text as though for initial publication, and the proposal shall again be subject to the provisions of subsections (1) and (3) of this section.

(5) No rule adopted under this chapter is valid unless adopted in ~~((substantial))~~ compliance with this section, ~~((or, if))~~ unless it is an emergency rule designated as such ~~((;))~~ and is adopted in ~~((substantial))~~ compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1).

of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

~~((4))~~ (5) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection ~~((2))~~ (3) of this section, the code reviser ~~((shall))~~ may not publish such rule, and such rule ~~((shall))~~ may not be effective for any purpose.

NEW SECTION. Sec. 9. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) Notice of the designation of a standing committee of the legislature as a review committee for the rules of any institution shall be communicated by the house making such designation to the affected institution.

(2) Whenever a majority of the members of a review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the review committee shall give the affected institution written notice of its decision. Such notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 28B.19.030(1)(a)(iii) as now or hereafter amended.

Such notice shall include a statement of the review committee's findings and the reasons therefor, and such notice shall also be filed by the review committee with the appropriate review committee in the other house of the legislature.

Sec. 10. Section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040 are each amended to read as follows:

If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a ~~((brief))~~ detailed statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser and with the appropriate review committee. An emergency rule or amendment ~~((shall))~~ may not remain in effect for longer than ninety days after filing.

Emergency rules ~~((shall))~~ become effective upon filing with the code reviser unless an effective date is specified in the rule. ~~((The emergency rule published in the state register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon such filing.))~~

NEW SECTION. Sec. 11. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 28B.19.050, and emergency rules adopted pursuant to RCW 28B.19.040 as now or hereafter amended, are subject to review by the legislature.

(2) If a review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that an emergency rule does not meet the requirements of RCW 28B.19.040, as now or hereafter amended, for emergency adoption, the institution affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the review committee's notice the institution shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the institution for advance notice of its rule-making proceedings as provided in RCW 28B.19.030 as

now or hereafter amended. The institution's notice shall include the review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The institution shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements.

**NEW SECTION.** Sec. 12. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) Within seven days of an institution hearing held after notification of the institution by a review committee pursuant to section 9 or 11 of this 1979 act, the affected institution shall notify the review committee of its action regarding a proposed or existing rule that the committee found not within the intent of the legislature. If the review committee determines that the institution has failed to provide for the required hearings or notice of its action to the review committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the review committee finds, by a majority vote of its members, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the institution so as to conform with the intent of the legislature, the review committee may, within thirty days from notification by the institution of its action, file with the code reviser notice of its objection together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the institution by the review committee.

(3) The code reviser shall publish the review committee's notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature.

(5) In any legal proceeding challenging the validity of a rule for which a review committee notice of objection has been published in the Washington state register the burden of proof shall be on the institution to establish that the rule is within the intent of the legislature.

(6) The legislature may, by concurrent resolution, annul any institution rule. In such concurrent resolution the legislature shall state its objections to the rule. The annulment shall be effective upon the concurrent resolution being filed with the code reviser.

**NEW SECTION.** Sec. 13. Section 1, chapter 186, Laws of 1963 and RCW 34.04.160 are each hereby repealed.

**NEW SECTION.** Sec. 14. If any provision of this 1979 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 "government;" strike the remainder of the title and insert "amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and

RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; and repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160."

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 29, 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. 29, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Newschwander—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, as amended by the Senate, having received the constitutional majority, 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. 50, by Representatives Newhouse, Smith (Rick), Barr, McGinnis, Sanders, Schmitt, Bond, Clayton, Isaacson, Eberle, Dawson, Zimmerman, Galloway, Smith (C.P.), Nisbet, Owen, McDonald and Wilson (by Committee on Judiciary of the 45th Legislature request):

Providing for limited liability of landowners for recreational use of their land by the public.

The bill was read the second time by sections.

Senator Lysen moved adoption of the following amendment:

On page 1, line 16, after "animals," insert "clam digging".

Debate ensued.

### POINT OF ORDER

Senator Peterson: "Mr. President, this is a matter that normally goes through the natural resources committee and I raise the question of scope and object."

### MOTION

On motion of Senator Walgren, House Bill No. 50, together with the pending amendment by Senator Lysen and the Point of Order by Senator Peterson, was ordered held following consideration of Substitute House Bill No. 803.

## SECOND READING

HOUSE BILL NO. 66, by Representative Smith (Rick):

Correcting a mistake.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 66 was advanced to third reading, the second 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. 66, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 66, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 69, by Representatives Warnke and Polk (by Legislative Budget Committee request):

Repealing sections authorizing forest tree nursery at Washington State University.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 69 was advanced to third reading, the second 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. 69, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 69, having received the constitutional majority, was declared passed. 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, Substitute House Bill No. 76 will be considered before House Bill No. 100.

## MOTION

**SUBSTITUTE HOUSE BILL NO. 99**, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 99**, modifying the procedure for the selection of prospective jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 29, after "sum of" strike "five" and insert "~~(five)~~ ten".

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

## MOTION

On motion of Senator Rasmussen, Substitute House Bill No. 99, as amended, was ordered held following consideration of Engrossed House Bill No. 149.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 112**, by Committee on State Government (originally sponsored by Representatives Ehlers, Amen, Walk, Tilly, King, Taller, Sanders, Fuller, Mitchell and Addison) (by Select Joint Committee on Sunset request):

Establishing a schedule for sunset review.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 112 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 112, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Newschwander—1.

Excused: Senator Keefe—1.

**SUBSTITUTE HOUSE BILL NO. 112**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**ENGROSSED HOUSE BILL NO. 149**, by Representatives Knowles and Vrooman:

Relating to county law libraries.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED HOUSE BILL NO. 149, relating to county law libraries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12, after "appeals," strike "abstracts or transcripts of judgments," and insert "~~((abstracts or transcripts of judgments.))~~"

On page 1, line 13, after "seven" strike or so much thereof as may be necessary"

On page 1, line 17, after "fund" strike all the material down to and including "authority" on line 19.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Woody.

The bill was read the second time by sections.

Senator Talmadge moved the committee amendments be considered and adopted simultaneously.

### POINT OF INQUIRY

Senator Talley: "Senator Talmadge, our law library at home is three thousand dollars in the red. Will this bill take care of that?"

Senator Talmadge: "Senator Talley, this bill would take care of that problem."

Senator Talley: "Thank you."

The motion by Senator Talmadge carried and the committee amendments were adopted.

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 149, 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. 149, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Donohue, Jones, Van Hollebeke, von Reichbauer—4.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 149, as amended by the Senate, having received the constitutional majority, 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. 155, by Representatives Newhouse, Winsley and Knowles (by Department of Licensing request):

Repealing a provision of the financial responsibility law preventing discharge in bankruptcy.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

HOUSE BILL NO. 155, repealing a provision of the financial responsibility law preventing discharge in bankruptcy (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 4, add a new section to read as follows:

"Section 1. Section 7, chapter 169, Laws of 1963 and RCW 46.29.070 are each amended to read as follows:

(1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department (~~within fifty days~~) after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided (~~upon the expiration of ten days~~) not less than twenty days and not more than sixty days after the sending of such notice unless within said time security be deposited as required by said notice."

Renumber the remaining section consecutively.

On page 1, line 1, after "responsibility" insert "amending section 7, chapter 169, Laws of 1963 and RCW 46.29.070;"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

On motion of Senator Marsh, the rules were suspended, House Bill No. 155, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 155, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 155, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

The Senate resumed consideration of Substitute House Bill No. 99. Earlier today, the committee amendment was adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 6, after line 5, insert the following:

"Sec. 7. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at (~~thirteen cents per mile each way~~) the rate determined under RCW 43.03.060, the following compensation:

- (1) Grand jurors shall receive (~~ten~~) twenty-five dollars;
- (2) Petit jurors shall receive (~~ten~~) twenty-five dollars;
- (3) Coroner's jurors shall receive (~~ten~~) twenty-five dollars;
- (4) Justice of the peace jurors shall receive (~~ten~~) twenty-five dollars:

PROVIDED, That a person excused from jury service at his own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances.

Sec. 8. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each amended and reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive twenty-five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage (~~as provided by law~~) at the rate determined under RCW 43.03.060. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972."

Renumber the sections consecutively.

## POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, this is going to increase the county's load for their juries by two and a half times. Now I do not see in this amendment any additional taxing authority for the counties in order that they support this type of an amendment, as meritorious as it is."

Senator Rasmussen: "This is absolutely right, Senator Guess. This will be a county expense. However, the new judges we put on is just as heavy an expense. The jurors are a very important part of the judicial system and there is no question about it that there will be additional cost, yes. At the same time, Senator Guess, you are required to serve on the jury. It is very difficult to get excused unless you have a really horrendous excuse."

Senator Guess: "I grant you that, Senator Rasmussen, but when we indicate to the counties that they shall have another judge, it is usually by forewarning from the bar and from the prosecuting attorney that that judge is going to be needed and the county commissioners have a little leeway in putting that judge on. But this case we are coming here without their knowledge by a floor amendment precipitously hanging onto the counties and each of the thirty-nine counties are not in a financial condition right now to pick up the additional load of the judges we have given them and we pay, you remember, half of the cost of a new judge going on the county roll. But this law will not provide any state funds for mitigating the blow to the counties. I wonder if we are not moving too fast, too far, here?"

Senator Rasmussen: "Are you asking me, Senator Guess?"

Senator Guess: "Yes, sir. Aren't we moving too far and too fast and just up without proper consideration; judicial committee, without the ways and means committee and without having talked to the counties at all, are we saddling them with too much of a burden? Two and a half times, Senator, what it has cost them."

Senator Rasmussen: "Senator Guess, my only answer to that can be that my concern is for those people that are required to serve on the jury and the fact that we do want competent people to be able to serve. Now, as far as the cost, this bill does not contain an emergency clause, this becomes effective ninety days after we leave here. And, further, we have no control over the amount of jurors that they use."

Senator Guess: "Well, they are going to use more and more juries because all these laws that we are passing here at the rate of about one a minute, and I would beg the body to take very close scrutiny of the extra costs that we are hanging on the counties."

Debate ensued.

## MOTION

On motion of Senator Walgren, Substitute House Bill No. 99, as amended, was returned to the Committee on Rules.

## SECOND READING

ENGROSSED HOUSE BILL NO. 230, by Representatives Fancher, Kreidler, Erak, Amen, Clayton and Smith (C)) (by Department of Agriculture request):

Revising laws relating to identification of cattle through licensing of certificated feed lots.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended Engrossed House Bill No. 230 was advanced to third reading, the second 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. 230, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison,

Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 230, having received the constitutional majority, 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. 248, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Whiteside, Charnley and Garrett):

Allowing executive sessions for the disposition of real estate.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 248, allowing executive sessions for the disposition of real estate (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 11, after "security:", insert "to consider"

On line 13, after "price:", insert "to consider"

On line 14, before the comma after "sale", insert "by a port district"

On line 16, after "price:", insert "to consider"

Signed by: Senators Bluechel, Fleming, Moore, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments to page 11, page 13 and page 16 were considered and adopted simultaneously.

Senator Wilson moved adoption of the committee amendment to page 14.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, my concern is this: The rule (sic) says when publicity regarding such consideration would cause a likelihood of decreased price, they would evidently hold an open meeting then, if it was a likelihood of increasing the price. Is this correct?"

Senator Bottiger: "Well, Senator Rasmussen, if you will look on line 13, there it says 'cause of likelihood of increased price' and the amendatory language also puts in 'the likelihood of a decreased price when they are selling'. When they are purchasing we are worried about an increase because of speculation, when we are selling, we might be worried about a decreased price to the public body. And, in either case, they would be allowed to go into public or into executive session. Senator, however, the amendment before us right now pertains to the question of should this be restricted only to port districts, or should it apply to any governmental unit?"

Senator Rasmussen: "Senator Bottiger, I guess my concern goes a little further than that. All of these bodies that you speak of have the powers of condemnation and, rather negotiation, they all have the power of condemnation which would go to court and then a fair price would be determined. I am concerned why any of this is needed?"

Senator Bottiger: "Well, Senator, if I were to make a guess, I would tell you that probably two or three percent of all of the property either acquired by a government ever has to go that far as condemnation, that is the final straw. What we are talking about in the original language of the bill, the original existing law, is when a governmental unit decides to negotiate for the purchase or the sale of a piece of property, should they do that in executive session where, if they didn't, there

would be a likelihood of an increase or a decrease in the price of what they were buying or selling. The only question before us right now is, should we restrict this only to port districts? I think not."

Debate ensued.

### POINT OF INQUIRY

Senator Odegaard: "Senator Wilson, why should an exception be made then for port districts?"

Senator Wilson: "That's it, Senator, the local government committee in proposing the amendment which is before us was trying to keep things as tight as possible and make the exemptions to the open meeting act as limited as possible and did recommend an amendment limiting it to port districts. However, if the floor amendment is adopted, I would see no reason why this should not apply to all types of districts."

The motion by Senator Wilson failed and the committee amendment to line 14 was not adopted.

Senator Wilson moved adoption of the following amendment:

On page 1, line 26, strike "whether to sell or lease real estate and"

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

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 248, as amended, was advanced to third reading, the second 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. 248, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Fleming, Jones—2.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 248, as amended by the Senate, having received the constitutional majority, 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. 259, by Committee on Social and Health Services (originally sponsored by Representatives Haley, Whiteside, Adams, Pruitt, Burns, Brekke, Lux, Blair, Chandler, Mitchell, Teutsch, Struthers and May):

Enacting the Controlled Substances Therapeutic Research Act.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 259, enacting the Controlled Substances Therapeutic Research Act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, after "chemotherapy" insert "and radiology"

On page 2, line 8, after "chemotherapy" insert "and radiology"

On page 2, line 25, after "and" strike "certified by the American board of" and insert "specializing in the practice of"

On page 2, line 28, after "and" strike "certified by the American board of internal medicine and also certified" and insert "specializing"

On page 2, line 32, after "and" strike "certified by the American board" and insert "specializing in the practice"

On page 2, line 33, after "psychiatry" and before the period insert "; and

(d) A physician licensed to practice medicine in Washington state and specializing in the practice of radiology"

On page 4, line 20, strike all of section 9 and renumber the remaining sections consecutively.

Beginning on line 3 of the title, after "RCW;" strike "making an appropriation;"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

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

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 259, 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 Day, what testimony did you have in the committee in regards the beneficial affects of marijuana?"

Senator Day: "Senator Rasmussen, we had all proponents of the bill. There were no opponents of the bill testifying. The testimony was by a number of doctors and others that the, as I said in my statement, the side effects of chemotherapy and radiation and the ill effects of glaucoma were alleviated to some degree, there were indications, by marijuana. And, that the use of marijuana seemed to have less side effects and less danger to the patient than many of the drugs that were presently being used to try to control those side effects. This bill is strictly confined to research and it is very closely controlled and monitored. It is not a bill that in any way legalizes the illicit use of marijuana."

Senator Rasmussen: "Did we have the experts from the University of Washington medical school testifying in favor of?"

Senator Day: "Yes, we did. There was no one testifying against the bill."

Senator Rasmussen: "And, they are going to be the people handling the research, and how wide is this research to be?"

Senator Day: "Well, no, I would say that the research is going to be conducted at the University, but I think it can be conducted under the bill under the controlled circumstances by a physician certified by the American Board of Ophthalmology in the case of glaucoma, a physician certified in the specialty of Oncology, which is related to malignancies or cancer and a physician certified in psychiatry or radiology and it is very carefully and closely confined to the specific circumstance of research, Senator."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 259, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Guess, Pullen—2.

Absent or not voting: Senators Donohue, Fleming, Jones—3.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 259, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 25.

### SECOND READING

HOUSE BILL NO. 25, by Representatives Knowles, Smith (Rick) and Sherman (by House Committee on Judiciary of the 45th Legislature request):

Defining what persons are lawfully on another's property in cases of liability for dog bites.

### MOTION

On motion of Senator Wilson, Senator Donohue was excused.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 25 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 Goltz, House Bill No. 25 was ordered held for further consideration following Substitute House Bill No. 88.

### POINT OF INQUIRY

Senator Henry: "Senator Marsh, are you telling me if I have my yard enclosed and I have a sign which says 'beware of the dog' and somebody comes in like a Republican distributing literature in my yard and he gets bitten that I am responsible? Is that what this bill does?"

Senator Marsh: "Well, Senator, the law provides that provocation is a defense and perhaps that would be provocation."

Senator Henry: "In that case, I would use two dogs, . . ."

President Cherberg assumed the Chair.

### SECOND READING

HOUSE BILL NO. 126, by Representatives Charnley, Vrooman, Erickson, Douthwaite, Chandler, Burns, Owens and Galloway:

Making unlawful the commercial selling of term papers, theses, or other work assignments utilized for postsecondary education purposes.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 126 was advanced to third reading, the second 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. 126, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Fleming, Jones, Newschwander—3.

Excused: Senators Donohue, Keefe—2.

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

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 88, by Committee on Social and Health Services (originally sponsored by Representatives Charnley, Pruitt, Scott and Brekke):

Screening for scoliosis.

### REPORT OF STANDING COMMITTEE

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 88, screening for scoliosis (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 24, after "explanation of" insert "idiopathic"

On page 2, line 26, after "and the" strike "public"; and after "services" insert "generally"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were considered and adopted simultaneously.

### MOTIONS

On motion of Senator Marsh, Senator Shinpoch was excused.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 88, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Day, this requires a yearly examination. Once you discover the disease, you do not need another examination?"

Senator Day: "Senator, the disease begins sometimes during childhood and could begin after one of the previous examinations. Now, it is not an examination

that the bill demands, it is screening. A very simple screening test that will be done probably by the gym teacher who will be trained and that is what the little bit of money in the bill does, it is to train these people to recognize the signs and then they will be sent, directed to someone for an examination if it is indicated. So, every child is not going to have an examination, just a simple screening that just takes a few minutes."

Senator Rasmussen: "The school nurse could do it in many instances."

Senator Day: "The school nurse could do it, she is authorized in the bill."

Senator Rasmussen: "Thank you, Senator Day."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 88, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Shinpoch—2.

SUBSTITUTE HOUSE BILL NO. 88, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

HOUSE BILL NO. 25, by Representatives Knowles, Smith (Rick) and Sherman (by House Committee on Judiciary of the 45th Legislature request):

Defining what persons are lawfully on another's property in cases of liability for dog bites.

The Senate resumed consideration of House Bill No. 25 from earlier today on third reading.

### MOTIONS

On motion of Senator Marsh, the rules were suspended, and House Bill No. 25 was returned to second reading.

Senator Hayner moved adoption of the following amendment by Senators Hayner, Marsh, Clarke and Bottiger:

On page 1, line 11, after "**situated**")" strike the remainder of the act and insert:

"when such person is upon the property of the owner with the express or implied consent of the owner: PROVIDED, That said consent shall not be presumed when the property of the owner is fenced or reasonably posted."

### POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, we started out debating on the benefit of doorbeller's bill and I would presume that the doorbeller would have some difficulty convincing a court that he had the expressed or implied consent to come doorbelling. Would you have a different thought?"

Senator Hayner: "He might have, it might be a question of fact."

## POINT OF INQUIRY

Senator Woody: "Senator Hayner, as I read this proposed amendment, I am wondering if we are presuming that all owners of dogs then will be liable for the dog bite activity of their dogs unless the property is posted?"

Senator Hayner: "Well, they can show that there was no implied, or expressed consent, in which case they would not be liable."

Senator Woody: "But, if they did post their property then they would definitely be non-liability."

Senator Hayner: "That is right. There would be no expressed or implied consent if they posted their property or had a fence."

Senator Woody: "All right. Thank you."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "I think perhaps, at least from my own standpoint, this may need a little further clarification.

"Actually, what I think would be the result of this amendment, and I do support the amendment because I think it is a good middle ground, but I think that in reality the question of consent would still be a matter for jury determination under the facts of the particular case, and this simply says that the consent shall not be presumed when the property of the owner is fenced or reasonably posted. And, you note the words 'reasonably posted', because it is necessary to have some flexibility there in view of the many different kinds of property that might be involved, but it would be up to the jury in the final analysis to determine under proper instructions from the court whether or not in reality the person on the property did have at least the implied consent of the owner, so I think it is as good as we can do with this type of problem."

On motion of Senator Marsh, the rules were suspended, House Bill No. 25, 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. 25, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Gould, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Ridder, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wojahn—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Guess, Hansen, Hayner, Lee, North, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wanamaker, Wilson, Woody—26.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 25, as amended by the Senate, having received the constitutional majority, 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. 141, by Representatives Bender, Burns and Charnley (by Department of Licensing request):

Clarifying the law on proportional registration.

## REPORT OF STANDING COMMITTEE

February 26, 1979.

HOUSE BILL NO. 141, clarifying the law on proportional registration (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

After the enacting clause, insert the following:

"Section 1. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135 are each amended to read as follows:

~~Tonnage for ((motor trucks, trailers, tractors, pole trailers, or semitrailers)) any vehicle or combination of vehicles having a declared gross weight ((in excess of twenty)) of twelve thousand pounds or more may be purchased for any full registration ((quarter at one-fourth)) month or months at one-twelfth of the usual annual tonnage fee((~~PROVIDED, That the fee for the registration quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full registration month of the registration quarter that shall have elapsed at the time the vehicle is licensed~~)) multiplied by the number of full months for which tonnage is purchased. An additional fee of ((one)) two dollars shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.~~

~~((No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage license prior to the expiration of the existing tonnage license.)) Any person who operates ((any such)) a vehicle licensed under the provisions of this section upon the public highways after the expiration of the ((existing)) monthly tonnage license, ((shall be)) is guilty of a misdemeanor, and in addition shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration ((quarter or registration quarters)) month or months of the registration year already paid. If, within five days ((thereafter)), no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met."~~

Re-number the sections following consecutively.

After line 25, insert the following:

"NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 46.16.137, chapter 12, Laws of 1961, section 17, chapter 32, Laws of 1967, section 1, chapter 172, Laws of 1974 ex. sess., section 7, chapter 118, Laws of 1975 1st ex. sess., section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; and

(2) Section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138."

In line 1 of the title, after "licensing;" insert "amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135;"

In line 2 of the title, after "46.85.140;" strike "and"

In line 3 of the title, after "46.85.145" and before the period, insert "; repealing section 46.16.137, chapter 12, Laws of 1961, section 17, chapter 32, Laws of 1967, section 1, chapter 172, Laws of 1974 ex. sess., section 7, chapter 118, Laws of 1975 1st ex. sess., section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; and repealing section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138"

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen, Lee, Peterson, Wanamaker.

The bill was read the second time by sections.

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

On motion of Senator Guess, the committee amendments to the title were adopted.

On motion of Senator Guess, the rules were suspended, House Bill No. 141, 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. 141, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1. Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Henry, Jones—2.

Excused: Senator Keefe—1.

HOUSE BILL NO. 141, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

#### INTRODUCTION AND FIRST READING

HOUSE BILL NO. 65, by Representatives Salatino, Deccio and King:  
Recognizing Columbus Day.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, House Bill No. 65 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Bill No. 65 was advanced to third reading, the second 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. 65, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senators Jones, Lee, Lewis, Scott, Sellar, Wanamaker—6.

Absent or not voting: Senators Henry, Quigg—2.

Excused: Senator Keefe—1.

HOUSE BILL NO. 65, having received the constitutional 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 12:20 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

Senator Marsh: "Mr. President, I move that all bills considered this morning passed by the Senate be immediately transmitted to the House."

The President: "Senator Marsh has moved that all measures passed by the Senate this morning be immediately transmitted to the House."

Senator Gould: "Having voted on the prevailing side of House Bill 25, I would like to move for reconsideration."

Senator Marsh: "Mr. President, I think there is a motion on the floor."

Senator Gould: "Mr. President, may I ask which motion takes precedence?"

The President: "Yes, you may ask, Senator."

Senator Gould: "With advice from my counsel on the right, I am reminded that Rule 31 says that a motion to reconsider shall have precedence over every other motion except one to adjourn. I would just like to. . . ."

The President: "The President is aware of the rule, Senator."

"Senator Marsh and Senator Gould, Senator Gould the President is aware of Rule 31 which indicates that on and after the fiftieth day of any 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. But, and Senator Marsh, the President has always ruled that regardless of whether a motion to transmit is carried, that a move to reconsider shall be in order any time during the working day after the fiftieth day.

"Your notice . . . or your motion has . . . your notice has been received, your motion is made. Do you wish it acted upon at this time or may be acted upon any time this day. The President suggests that perhaps you might want to do it."

Senator Walgren: "Mr. President . . . ."

The President: "Senator Walgren, perhaps Senator Walgren can clarify."

Senator Walgren: "I don't know if I can clarify . . . I move that further consideration of House Bill 25 be accomplished. . . ."

The President: "The President believes it would be eligible after five p.m., if you plan to run after that hour."

The President: "What is your wish, Senator Gould."

Senator Gould: "I move for immediate reconsideration of the bill."

The President: "Senator Gould has moved that the Senate immediately reconsider the vote by which House Bill 25 was passed. Do you wish to speak on the motion, Senator? Did you vote on the prevailing side?"

Senator Gould: "Mr. President, yes, I did vote on the prevailing side and my request to have immediate reconsideration was based on the fact that having voted on the prevailing side, I learned more about the bill and wanted to change my vote. If I may ask, Mr. President, does it require a two-thirds vote to have immediate reconsideration?"

The President: "No, it does not."

Senator Gould: "I do not want to delay the afternoon. I would just ask that we may now immediately reconsider and take the vote."

The President: "The question before the Senate is the motion by Senator Gould that the Senate immediately reconsider the vote by which House Bill 25 was passed. As many as are in favor will say 'aye' - as many as are opposed will say 'no'. The 'no's' appear to have it."

A division was requested.

The President: "A division has been requested. As many as are in favor of reconsideration will stand and please remain standing until counted. As many as are opposed will stand and please remain standing until counted. There are 24 yeas and 15 nays. The motion carried."

The President: "Senator Walgren. . . ."

Senator Walgren: "Mr. President, I move that further consideration of House Bill No. 25 be deferred until or take its place immediately after House Bill 100 on the consent calendar."

The President: "If there are no objections, consideration of House Bill 25 will be placed immediately after House Bill 100."

Senator Gould: "Mr. President. . . ."

The President: "Senator Gould. . . ."

Senator Gould: "Point of inquiry. Does that mean that we will be considering even if we don't get to House Bill 100. That we will have an opportunity to reconsider our vote on House Bill 25?"

The President: "Yes, Senator, you will have the opportunity."

Senator Gould: "Thank you."

The President: "Senator Marsh has moved that the other measures passed this morning be immediately transmitted to the House. If there are no objections, it is so ordered."

### SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE HOUSE BILL NO. 803, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Hurley and Knowles) (by Department of General Administration request):

Permitting the supervisor of banking to establish guidelines for use of unissued shares of capital stock.

The time having arrived, the Senate commenced consideration of Substitute House Bill No. 803.

### REPORT OF STANDING COMMITTEE

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 803, permitting the supervisor of banking to establish guidelines for use of unissued shares of capital stock (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendments:

Strike all of sections 1 and 2 and substitute the following:

"Section 1. Section 1, Chapter 140, Laws of 1965 and RCW 30.08.087 are each amended to read as follows: ((Solely to have shares of its capital stock available)) Any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock for the following purposes;

(1) For issuance and sale pursuant to approved stock option plans ((+)), stock purchase plans, stock bonus plans, or other similar plans approved by the supervisor; ((or))

(2) ~~For ((the purpose of)) issuing and selling minimum qualifying shares to new directors; ((any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock, in an amount not to exceed ten percent of its authorized capital stock.))~~

(3) For any other purpose; when the total amount of such shares is not more than 50 percent of the currently issued and outstanding stock.

If such shares are issued pursuant to approved stock option plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time the option is granted. If such shares are issued pursuant to approved stock purchase plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time of purchase. If such shares are issued in order to qualify a new director of the corporation, the consideration received shall be not less than the higher of par value or ninety-five percent of the fair value of the shares at the time of the sale.

Sec. 2. Section 2, Chapter 140, Laws of 1965 and RCW 30.088 are each amended to read as follows:

Any amendments to articles of incorporation which provide for authorized but unissued stock shall be made as provided in the case of a capital increase which is to be paid in full before becoming effective. However, the authorized but unissued shares shall not become a part of the capital stock except for the purposes hereof until they have been issued and paid for in cash. Prior to the issuance of authorized but unissued stock (~~((for the purpose of qualifying a new director))~~), the bank shall notify the supervisor of the proposed issuance and the consideration to be received therefore and receive the supervisor's approval thereof ((-)), except that such notification and such approval shall not be required if the authorized but unissued stock is issued to employees of the bank pursuant to approved stock option, stock purchase, stock bonus or other similar plans approved by the supervisor."

On page 6, following line 10 add a new section as follows:

"NEW SECTION. Sec. 8. There is added to chapter 30.12 RCW a new section to read as follows:

The articles of incorporation of any bank or trust company organized under this title may limit or permit the preemptive rights of a shareholder to acquire unissued shares of the corporation and may thereafter by amendment limit, deny, or grant to shareholders of any class of stock the preemptive right to acquire additional shares of the corporation whether then or thereafter authorized."

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

This bill was read the second time by sections.

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

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 803, 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. 803, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Jones—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 803, as amended by the Senate, having received the constitutional majority, 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. 50, by Representatives Newhouse, Smith (Rick), Barr, McGinnis, Sanders, Schmitt, Bond, Clayton, Isaacson, Eberle, Dawson, Zimmerman, Galloway, Smith (C.P.), Nisbet, Owen, McDonald and Wilson (by House Committee on Judiciary of the 45th Legislature request):

Legislature request):

Providing for limited liability of landowners for recreational use of their land by the public.

The Senate resumed consideration of House Bill No. 50. Earlier today, Senator Peterson had raised a Point of Order on an amendment by Senator Lysen. There being no objection, the Point of Order was withdrawn.

## MOTIONS

On motion of Senator Walgren, House Bill No. 50 will be considered following Engrossed Substitute House Bill No. 402.

On motion of Senator Walgren, Substitute House Bill No. 264 will be considered following Engrossed House Bill No. 636.

On motion of Senator Bottiger, Engrossed House Bill No. 279 will be considered following House Bill No. 365.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 319, by Committee on Higher Education (originally sponsored by Representatives Burns, Patterson, Grimm, Barnes, Douthwaite, Keller, Kreidler, Greengo, Lux, Erickson and Gruger):

Authorizing waiver of fees for university or college employees taking courses thereat, but limited to space available basis.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 319, authorizing waiver of fees for university or college employees taking courses thereat, but limited to space available basis (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after "for" insert "full time"

On page 2, line 28, after "for" insert "full time"

On page 3, after line 2, insert the following:

"(4) It is the intent of this section to create an in-service program for full time employees to enhance their career development."

Signed by: Senators Goltz, Chairman; Benitz, Scott, von Reichbauer.

The bill was read the second time by sections.

Senator Goltz moved adoption of the committee amendments to page 2, line 10 and 28.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, I am not very familiar with this bill. You say you are tightening it up, yet the employees of the particular institution would be allowed to go on a waiver of fees?"

Senator Goltz: "The tightening up is that the language previously would have implied that a part-time employee could also have participated in such a program. That opens up the possibility that persons would seek part-time employment as a method of achieving, as it were, a scholarship or a fee waiver for their education. So, the tightening up by this amendment restricts the opportunity to full-time employees only."

Debate ensued.

The motion by Senator Goltz carried and the committee amendments to page 2 were adopted.

On motion of Senator Goltz, the committee amendment to page 3 was adopted.

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 319, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Donohue: "Mr. President, I think this is a philosophical issue as I see it and I have to agree with Senator Rasmussen. I am trying in my own mind to decide what kind of help we are giving a special group of people and I want just to raise an example. Let's assume that a driver of a milk truck for the local dairy drives the truck and delivers the milk to the door of a college food concessionary establishment and that milk is put on the shelf inside of that establishment by an employee on that campus. Why then, I guess Senator Goltz, should not the person that delivered the milk also receive a waiver?"

Senator Goltz: "Well, I suppose the answer is that this bill does not attempt to do everything, but I would point out that for some of the classes of persons that have been mentioned, the firms or the agencies already provide in-service training programs of another type. DSHS, for example, the one that Senator Rasmussen mentioned, does have an in-service training program for their employees. The state patrol does have an in-service training program for their employees. Many private agencies, perhaps even the dairyman, has an in-service training program for their employees. In many ways this is a career development program for college and university civil service personnel and I think, for that reason, it is a very narrow program and doesn't attempt to give educational opportunity to everyone."

Senator Donohue: "What do you think the odds are that the employer of that milk truck driver has an in-service program? What do you think the odds are?"

Senator Goltz: "They would be very small, I think."

Senator Donohue: "I think that is the issue."

## REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, members of the Senate, I think maybe there is some misunderstanding of this bill. I had the same misunderstanding for awhile in committee and for awhile I was a little bit reluctant to support it because of that. Senator Rasmussen and Senator Donohue, the misunderstanding that I had when that was cleared up allowed me to support this bill.

"It is presently the non-faculty employees at two universities are allowed to take classes that are counted towards their contract level. In other words, the state has to reimburse the universities for the costs of those non-faculty members who take those classes and that could amount to quite a few dollars that has to be

appropriated by us to those two universities. But this bill changes that so that it is only on a space-available-type set up and if there is space available and this is above their contract level, the state does not reimburse those students. So it is actually a savings to the state. In fact the fiscal note shows that there probably will be a revenue gain which we question somewhat. But at least there is no cost and there is presently a cost. I think that is an important difference. This is only on a space available basis."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 319, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Clarke, Donohue, Matson, Newschwander, Quigg, Rasmussen, Sellar, Wanamaker—8.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 319, as amended by the Senate, having received the constitutional majority, 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. 331, by Representatives Vrooman, Schmitt and Taylor:

Authorizing the department of game to retain fees charged for informational materials published by the department.

### MOTION

On motion of Senator Marsh, House Bill No. 331 was returned to the Committee on Rules.

### SECOND READING

HOUSE BILL NO. 365, by Representatives Lux, Galloway, Smith (Rick), Zimmerman, Garrett and Williams:

Authorizing satellite facilities for credit unions.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment:

On page 3, following section 4 add the following:

"Sec. 5. Section 31, chapter 173, Laws of 1933 as last amended by section 83, chapter 81, Laws of 1971 and RCW 31.12.360 are each amended to read as follows:

If an officer of a credit union is, in the opinion of the supervisor, dishonest, inefficient, incapable of doing his work, or wilfully disobeying orders of the supervisor, or is in any way violating this chapter or the bylaws of the credit union, he may be suspended by the supervisor. The supervisor shall give the board of the credit union prompt notice of such suspension and promptly upon receipt thereof the board shall call a meeting of its members to consider the matter forthwith and give the supervisor at least seven days' notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, it shall remove such director, officer or employee immediately. In the event that the board of the credit

union shall fail to remove such director, officer or employee, the supervisor may petition the superior court of the county wherein the principal office of the credit union is located, setting forth the reasons why such person should be removed. Such petition shall be answered by the credit union as in civil actions. Such cause shall be heard by the court de novo without the intervention of a jury and upon such hearing the superior court shall enter its decision as to whether such person shall remain in or be removed from his position. The court shall make and enter specific findings of fact and conclusions of law and its decision shall be reviewable by the supreme court or the court of appeals.

The supervisor shall be charged with the administration and enforcement of this chapter, shall require each credit union to conduct its business in compliance therewith, and shall have power to commence and prosecute actions and proceedings to enforce the provisions of this chapter, to enjoin violations thereof, and to collect sums due the state of Washington from any credit union.

Notwithstanding any other provision of law, the supervisor may make reasonable rules authorizing a credit union to exercise any of the powers currently conferred upon a federal credit union doing business in this state as of the effective date of this 1979 act, if the supervisor finds that the exercise of the power:

(1) Serves the public convenience and advantage; and

(2) Equalizes and maintains the quality of competition between state chartered credit unions and federally chartered credit unions.

The exercise of these powers is subject to such rules and regulations as the supervisor may prescribe."

Renumber the remaining sections consecutively.

#### POINT OF ORDER

Senator Jones: "I would challenge this on the basis of scope and object. 365 is a bill that refers to, I believe, satellite banking. I believe this is not within the scope and object of House Bill 365."

#### REPLY BY THE PRESIDENT

President Cherberg: "In the interest of expediency, the President would appreciate a motion to delay action."

#### MOTION

On motion of Senator Bottiger, House Bill No. 365, together with the pending amendment by Senator Rasmussen and the Point of Order by Senator Jones, was ordered held following House Bill No. 588.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 279, by Representatives Newhouse and Knowles:

Excluding small civil claims from the court of appeals.

#### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED HOUSE BILL NO. 279, excluding small civil claims from the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, following section 1, add six new sections to read as follows:

"Sec. 2. Section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020 are each amended to read as follows:

(1) Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than ~~((one))~~ three thousand dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than ~~((one))~~ three thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than ~~((one))~~ three thousand dollars;

(c) Of an action for a penalty less than ~~((one))~~ three thousand dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than ~~((one))~~ three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than ~~((one))~~ three thousand dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than ~~((one))~~ three thousand dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than ~~((one))~~ three thousand dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than ~~((one))~~ three thousand dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than ~~((one))~~ three thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

The three thousand dollars amounts provided in subsection (1) (a) through (i) of this section shall take effect on May 1, 1979, and shall remain in effect until June 30, 1981; effective July 1, 1981, and thereafter, such amounts shall be increased to five thousand dollars.

(2) Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than five hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than five hundred dollars;

(c) Of an action for a penalty less than five hundred dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than five hundred dollars, though the penalty for the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Sec. 3. Section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020 are each amended to read as follows:

The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed ~~((one))~~ three thousand dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed ~~((one))~~ three thousand dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed ~~((one))~~ three thousand dollars;

(3) Of an action for a penalty not exceeding ~~((one))~~ three thousand dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed ~~((one))~~ three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed ~~((one))~~ three thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed ~~((one))~~ three thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed ~~((one))~~ three thousand dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed ~~((one))~~ three thousand dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed ~~((one))~~ three thousand dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The three thousand dollars amounts provided in subsections (1) through (9) of this section shall take effect on May 1, 1979, and shall remain in effect until June 30, 1981; effective July 1, 1981, and thereafter, such amount shall be increased to five thousand dollars.

The amounts of money referred to in ~~((subparagraphs (1) through (9)))~~ this section shall be exclusive of interest, costs and attorney's fees.

Sec. 4. Section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be created and organized by the court a department to be known as the "small claims department of the justice's court". If the justice court is operating under the provisions of chapter 3.30 through

3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ((three)) five hundred dollars. If the justice court is not operating under the provisions of chapter 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed two hundred dollars.

**NEW SECTION.** Sec. 5. Sections 2, 3, and 4 of this 1979 amendatory act upon taking effect shall apply to all actions filed on or after December 8, 1977. Any party to an action which is pending on the effective date of this act shall be permitted to amend any pleadings to reflect such increase in court jurisdiction: PROVIDED, That nothing in this act shall effect the validity of judicial acts taken prior to its effective date.

**NEW SECTION.** Sec. 6. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 7. Sections 2 through 5 of this 1979 amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1979."

On page 1, line 1, after "Relating to" strike "the court of appeals" and insert "courts"

On page 1, line 2, after ".030" and before the period insert "; section 23, page 266, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020; section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020; section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40.010; creating new sections; and declaring an emergency and making an effective date"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

The bill was read the second time by sections.

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

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 279, 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: "Senator Marsh, I was reading the next bill and reading another bill and didn't see exactly what is being done here and if you could help me I would very much appreciate it. I heard you say that this would raise the dollar jurisdiction of the district courts to three thousand dollars, is that correct?"

Senator Marsh: "That is correct."

Senator Van Hollebeke: "And, now we have passed the Senate bill that increased it to three thousand. It is already increased by the constitutional amendment we passed here to three thousand, but in the opinion of most members of the bar, but this increases it to three thousand to remove any ambiguity in the law, is that correct?"

Senator Marsh: "That is correct and it also does a further thing of increasing the jurisdiction to five thousand dollars effective July 1, 1981."

Senator Van Hollebeke: "And, does it further increase it to seventy-five hundred dollars effective later if the Senate bill we passed earlier this session did?"

Senator Marsh: "No, it does not. It just contains the two-step increase. The first step is to three thousand, the second step is to five thousand and the third step is missing."

Senator Van Hollebeke: "The third step is missing. Does it address the small claims court jurisdiction? We increased that to, I believe, six hundred dollars in the Senate bill we passed."

Senator Marsh: "Yes, it increases it to five hundred dollars."

Senator Van Hollebeke: "To five hundred, all right, thank you very much."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 279, as amended by the Senate, having received the constitutional majority, 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. 402, by Committee on Local Government (originally sponsored by Representatives Hastings, Newhouse, Smith (Curt), Barr and Struthers):

Providing for fund disbursement by irrigation districts.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, providing for fund disbursement by irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 25, after "RCW 87.56.110" strike ", 87.56.210, 87.80.180, 87.80.190 and 87.80.200," and insert "(;)" and 87.56.210 (~~(; 87.80.180, 87.80.190 and 87.80.200;)~~)"

On page 2, beginning on line 33, after "RCW 87.56.100" strike ", 87.56.210, 87.80.180, 87.80.190 and 87.80.200," and insert "(;)" and 87.56.210 (~~(; 87.80.180, 87.80.190 and 87.80.200;)~~)"

On page 4, after line 14, insert the following:

"Sec. 3. Section 39, page 692, Laws of 1889-90 as last amended by section 2, chapter 163, Laws of 1975 1st ex. sess. and RCW 87.03.460 are each amended to read as follows:

The directors shall each receive not to exceed twenty-five dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and in addition thereto their ((travel)) reasonable expenses in accordance with chapter 42.24 RCW ((43.03.050 and 43.03.060)) as now existing or hereafter amended. The board shall fix the compensation of the secretary and all other employees. The board shall, upon the petition of at least fifty or a majority of the electors, submit to the electors at any general district election, a schedule of salaries and fees to be paid hereunder. The petition shall be presented to the board twenty days before a general election, and the result thereof shall be determined and declared as other elections."

On page 1, line 4 of the title strike the first "and" and on line 5 of the title after "87.03.441" and before the period insert "; and amending section 39, page 692, Laws of 1889-90 as last amended by section 2, chapter 163, Laws of 1975 1st ex. sess. and RCW 87.03.460"

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Hansen, the committee amendment to the title was adopted.

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 402, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 402, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Sellar—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, as amended by the Senate, having received the constitutional majority, 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. 50, by Representatives Newhouse, Smith (Rick), Barr, McGinnis, Sanders, Schmitt, Bond, Clayton, Isaacson, Eberle, Dawson, Zimmerman, Galloway, Smith (C.P.), Nisbet, Owen, McDonald and Wilson) (by House Committee on Judiciary of the 45th Legislature request):

Providing for limited liability of landowners for recreational use of their land by the public.

The Senate resumed consideration of House Bill No. 50. Earlier today a Point of Order was raised by Senator Peterson on an amendment by Senator Lysen. The Point of Order by Senator Peterson was later withdrawn.

The motion by Senator Lysen carried and the following amendment was adopted:

On page 1, line 16 after "animals," insert "clam digging,"

On motion of Senator Marsh, the rules were suspended, House Bill No. 50, 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. 50, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Sellar—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 50, as amended by the Senate, having received the constitutional majority, 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. 585, by Representatives Erickson, Schmitt and Vrooman:

Abolishing and transferring duties of institute of forest products to an institute of forest resources.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 585 was advanced to third reading, the second 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. 585, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Sellar—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 585, having received the constitutional majority, 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. 588, by Representatives Rohrbach and Keller (by Insurance Commissioner request):

Authorizing issuance of certain limited licensees to sell insurance.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Engrossed House Bill No. 588 was advanced to third reading, the second 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. 588, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

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

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 588, having received the constitutional majority, 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. 365, by Representatives Lux, Galloway, Smith (Rick), Zimmerman, Garrett and Williams:

Authorizing satellite facilities for credit unions.

The Senate resumed consideration of House Bill No. 365. Earlier today a Point of Order was raised by Senator Jones on an amendment by Senator Rasmussen.

There being no objection, the amendment by Senator Rasmussen was withdrawn.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Lee:

On page 3, after section 4, insert a new section as follows:

"NEW SECTION. Sec. 5. When a deposit is made in any financial institution, and a receipt is issued for the deposit, the receipt shall clearly show the account in which the deposit is made."

Renumber remaining section.

### POINT OF ORDER

Senator Jones: "Mr. President, I would raise again the question of scope and object. This does deal with a very specific title relating to satellite facilities of certain financial institutions and if you want to put it down again and rule again I would be more than happy."

President Cherberg: "Do you move that it be placed immediately following 875, Senator?"

Senator Jones: "That is fine, yes sir."

President Cherberg: "If there are no objections, Senate Bill 365 will follow 875."

### MOTION

On motion of Senator Jones, House Bill No. 365, together with the pending amendment by Senators Pullen and Lee and the Point of Order by Senator Jones, was ordered held following House Bill No. 875.

### MOTION

On motion of Senator Wilson, House Bill No. 636 will be considered following House Bill No. 788.

### MOTIONS

Senator Day moved the Senate now consider Substitute House Bill No. 264.

Debate ensued.

On motion of Senator Marsh, Substitute House Bill No. 264 will be considered following House Bill No. 735.

## SECOND READING

HOUSE BILL NO. 677, by Representatives Rosbach, North, Fancher, Fuller, Thompson and Keller:

Providing an allowance for clothing and incidentals for a sheriff and deputies.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 677 was advanced to third reading, the second 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. 677, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—46.

Voting nay: Senator Wojahn—1.

Absent or not voting: Senator Matson—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 704, by Committee on Judiciary (originally sponsored by R. Smith):

Modifying the laws, regulating driving while under the influence of intoxicating liquor.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 704, was advanced to third reading, the second 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. 704, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Odegaard, Talley—2.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 704, having received the constitutional majority, 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. 735, by Representatives Rohrbach and Douthwaite:  
Modifying valuation and nonforfeiture provisions for insurance contracts.  
The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, House Bill No. 735 was advanced to third reading, the second 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. 735, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 264, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Haley, May, Kreidler, Tupper, Lux, Teutsch, Whiteside, Schmitten, Mitchell, Gruger, Pruitt, Barr, Brekke, Sherman, Granlund, Salatino, Knowles, Galloway and Sanders) (by Committee on Social and Health Services request):

Defining the patient's right to withhold or withdraw life-sustaining medical procedures in terminal illnesses.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Lewis, Senator Gallagher was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 264, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Conner, Pullen, Talley, Van Hollebeke—4.

Excused: Senators Gallagher, Keefe—2.

**SUBSTITUTE HOUSE BILL NO. 264**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Van Hollebeke: "Senator Sellar, and all of the members, I would like you to know, Senator Sellar, that I have tremendous respect for you and I have tremendous respect for most of the people in the medical profession. The medical profession is made up, the vast majority of them are made up of people very dedicated to their profession, very compassionate and I have always recognized that. I am sorry that my remarks, they were not written of course, they were extemporaneous and I can easily understand why they would be taken in the way that you took them. I am sorry that I said it the way I did, or left anybody with that impression. I have always recognized that and will continue to recognize it."

#### MOTION

On motion of Senator Wilson, Senators Shinpoch and Williams were excused.

#### SECOND READING

**HOUSE BILL NO. 754**, by Representatives Lux, Scott, Whiteside, Erak, Brown, Struthers, Mitchell, Houchen, Winsley, Williams, Zimmerman, McGinnis, Wilson, Fuller, Burns, Nelson (D) and Maxie (by Executive request):

Adjusting workers' compensation payments.

The bill was read the second time by sections.

On motion of Senator Lysen, the rules were suspended, House Bill No. 754 was advanced to third reading, the second 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. 754, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—42.

Voting nay: Senator Bluechel—1.

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

Excused: Senators Gallagher, Keefe, Shinpoch, Williams—4.

**HOUSE BILL NO. 754**, having received the constitutional majority, 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. 788**, by Representatives Winsley, Eng, Kreidler, Knowles, Newhouse and Blair:

Authorizing affiliated banks or trust companies to form common trust funds for investments.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, House Bill No. 788 was advanced to third reading, the second 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. 788, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—45.

Excused: Senators Gallagher, Keefe, Shinpoch, Williams—4.

HOUSE BILL NO. 788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED HOUSE BILL NO. 636, by Representatives Charnley, Barnes and Rohrbach:

Revising the limits of areas near airports studied for aircraft noise impact.

The bill was read the second time by sections.

Senator Lysen moved adoption of the following amendment:

On page 1, line 23, strike lines 23 through 26.

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, you are talking about one individual that apparently was sharp enough to beat the port in its own move. I think what Senator Lysen is concerned with is those people that have had to move and take the only available site to them. Now, it is my understanding that in King county, and particularly in that area, housing is down to less than one percent availability. In fact, I think it is probably down to zero availability for these people. I think you have to go anyplace that you can find a house these days and they should extend the noise abatement program even though they have been paid off for relocation once. I cannot believe that the port is going to pay them any great amount over the market price of the real estate."

Senator Guess: "Senator, if you read the report that was put out by the port last year, you would realize that all of those properties that they moved, every one of them came out vastly superior to the situation that they had existed in prior to the move and this amendment, or the change in the bill from the original form to prohibit this leap-frogging and people buying into the circle of the next taking is the thing that this bill was designed to stop.

"Now if the amendment is removed, they will be able to continue to do that and I do not think it is fair for somebody because he gets more of a settlement from the port than he can get, you ought to see what they do. They will move them. If a person wants to move his house they will pick the house up bodily, he buys a new lot somewhere, they will move it to the lot, they will put it in the very best of shape and put in the landscaping in the same shape his lot was in and so it costs the port an awful lot of money.

"Now there is going to be an awful long time before they will be broadening this thing, but what they are trying to do is to stop those people from moving into

and the houses from being built in the zone. Now this bill puts them on notice that if they go six miles from the centerline and thirty-three hundred feet either side of it, then they are going to be in the procedure, or at least they are going to be in jeopardy of being moved at a later time. So, the port has to comply with the federal law and I think that this will hurt them from complying with it."

Debate ensued.

### POINT OF INQUIRY

Senator Shinpoch: "Senator Lee, I am not sure exactly what you were saying, but let me lay out what I think you said and you tell me if I am correct, or not.

"I think you indicated that if we took a hypothetical case that a person may have moved far enough away from the airport that they are no longer impacted by the noise. But, you are saying that now they are moving the airport out to the person who may have moved and, therefore, you think this amendment is needed to take care of that."

Senator Lee: "You are almost correct. What is happening is we are moving the aircraft noise abatement zone, so it covers more territory and a person may have moved from the old noise abatement zone to an area outside of that zone and they could now be included once again and, therefore, would get no relief, so your conclusion was correct even though it was not the airport itself that is being enlarged, it is the zone surrounding the airport."

Senator Shinpoch: "Senator Lee, I guess I really do not understand then, how the noise gets any greater just because they have moved an arbitrary line. If they were extending the airport so that the longer take-offs were impacting the noise then I could understand probably for the first time since I read this amendment, why you might want this. But, if that is not the case, then I guess I am back where I was before you spoke."

Senator Lee: "I think we have to realize that the zone that we are talking about is really much smaller than the total noise impact zone. The total noise impact zone depends upon the ear of the beholder, if you will, and so what is happening here is that when it was first put on the books, about four or five years ago, the zone was drawn just about as small as could possibly be drawn, so that we were absolutely certain that the noise impact was almost unbearable. During that same period of time, noise impact studies were made very scientifically over a full period of a full year and it was discovered that the noise impact zone was not large enough and that is the reason for this particular bill. And, so they want to be able to extend the programs to the larger zone."

The motion by Senator Lysen failed and the amendment was not adopted on a rising vote.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 636, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Day, Gaspard, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Marsh, Matson, McDermott, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Walgren, Wanamaker—29.

Voting nay: Senators Bottiger, Conner, Donohue, Fleming, Goltz, Lysen, Moore, Odegaard, Rasmussen, Ridder, Talmadge, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—17.

Absent or not voting: Senator Henry—1.

Excused: Senators Gallagher, Keefe—2.

ENGROSSED HOUSE BILL NO. 636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

Senator Lysen moved that the title of the act be the "Port of Seattle Act".

### REMARKS BY THE PRESIDENT

President Cherberg: "The President believes that the title would be inappropriate that you suggested, Senator Lysen, as there is really no mention of Sea-Tac airport in here."

### SECOND READING

ENGROSSED HOUSE BILL NO. 795, by Representatives Eng, Winsley, Burns and Douthwaite:

Authorizing the state college and state universities to issue charitable gift annuities.

### REPORT OF STANDING COMMITTEE

February 27, 1979.

ENGROSSED HOUSE BILL NO. 795, authorizing the state college and state universities to issue charitable gift annuities (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendments:

On page 2, line 12, strike "or" and insert after "(12)," "or (13),"

On page 9, after line 14, insert the following:

"(13) Any charitable gift annuity issued by an insurer or institution holding a certificate of exemption under section 6 of this 1979 act."

On page 9, after line 27, insert the following:

"NEW SECTION. Sec. 6. The commissioner may grant a certificate of exemption to any insurer or educational, religious, charitable, or scientific institution conducting a charitable gift annuity business:

(1) Which is organized and operated exclusively as, or for the purpose of aiding, an educational, religious, charitable, or scientific institution which is organized as a nonprofit organization without profit to any person, firm, partnership, association, corporation, or other entity;

(2) Which possesses a current tax exempt status under the laws of the United States;

(3) Which serves such purpose by issuing charitable gift annuity contracts only for the benefit of such educational, religious, charitable, or scientific institution;

(4) Which appoints the insurance commissioner as its true and lawful attorney upon whom may be served lawful process in any action, suit, or proceeding in any court, which appointment shall be irrevocable, shall bind the insurer or institution or any successor in interest, shall remain in effect as long as there is in force in this state any contract made or issued by the insurer or institution, or any obligation arising therefrom, and shall be processed in accordance with RCW 48.05.210;

(5) Which is fully and legally organized and qualified to do business and has been actively doing business under the laws of the state of its domicile for a period of at least three years prior to its application for a certificate of exemption;

(6) Which files with the insurance commissioner its application for a certificate of exemption showing:

(a) Its name, location, and organization date;

(b) The kinds of charitable annuities it proposes to offer;

(c) A statement of the financial condition, management, and affairs of the organization and any affiliate thereof, as that term is defined in RCW 48.31A.010, on a form satisfactory to, or furnished by the insurance commissioner;

(d) Such other documents, stipulations, or information as the insurance commissioner may reasonably require to evidence compliance with the provisions of this chapter;

(7) Which subjects itself and any affiliate thereof, as that term is defined in RCW 48.31A.010, to periodic examinations as may be deemed necessary by the insurance commissioner;

(8) Which files with the insurance commissioner for the commissioner's advance approval a copy of any policy or contract form to be offered or issued to residents of this state. The grounds for disapproval of the policy or contract form shall be those set forth in RCW 48.18.110; and

(9) Which:

(a) Files with the insurance commissioner on or before March 1 of each year a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, including the annual statement or other such financial materials as may be requested relating to any affiliate, as that term is defined in RCW 48.31A.010; and

(b) Coincident with the filing of its annual statement, pays an annual filing fee of twenty-five dollars plus five dollars for each charitable gift annuity contract written for residents of this state during the previous calendar year; and

(c) Which includes on or attaches to the first page of the annual statement the statement of a qualified actuary setting forth the actuary's opinion relating to annuity reserves and other actuarial items. "Qualified actuary" as used in this subsection means a member in good standing of the American academy of actuaries or a person who has otherwise demonstrated actuarial competence to the satisfaction of the insurance regulatory official of the domiciliary state.

**NEW SECTION.** Sec. 7. (1) Upon granting to such insurer or institution under section 6 of this act a certificate of exemption to conduct a charitable gift annuity business, the insurance commissioner shall require it to establish and maintain a reserve fund adequate to meet the future payments under its charitable gift annuity contracts and, in any event, the reserve fund shall not be less than an amount computed in accordance with the standard of valuation based on the 1971 individual annuity mortality table, or any modification of this table approved by the insurance commissioner, with six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity contracts.

(2) For any failure on its part to establish and maintain the reserve fund, the insurance commissioner shall revoke its certificate of exemption.

**NEW SECTION.** Sec. 8. Each charitable annuity contract or policy form shall include the following information:

(1) The value of the property to be transferred;

(2) The amount of the annuity to be paid to the transferor or the transferor's nominee;

(3) The manner in which and the intervals at which payment is to be made;

(4) The age of the person during whose life payment is to be made; and

(5) The reasonable value as of the date of the agreement of the benefits thereby created. This value shall not exceed by more than fifteen percent the net single premium for the benefits, determined in accordance with the standard of valuation set forth in section 7(1) of this act.

NEW SECTION. Sec. 9. An insurer or institution holding a certificate of exemption under this chapter shall be exempt from all other provisions of this title except as specifically enumerated in this chapter by reference.

NEW SECTION. Sec. 10. The insurance commissioner may refuse to grant, or may revoke or suspend, a certificate of exemption if the insurance commissioner finds that the insurer or institution does not meet the requirements of this chapter or if the insurance commissioner finds that the insurer or institution has violated RCW 48.01.030 or any provisions of chapter 48.30 RCW.

NEW SECTION. Sec. 11. For purposes of this chapter, the provisions of chapter 48.04 RCW are applicable.

NEW SECTION. Sec. 12. For the purposes of this chapter, the insurance commissioner has the same powers and duties of enforcement as are provided in RCW 48.02.080.

NEW SECTION. Sec. 13. Sections 6 through 12 of this act shall constitute a new chapter in Title 48 RCW.

Sec. 14. Section 3, chapter 199, Laws of 1967 as last amended by section 3, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.325 are each amended to read as follows:

The director or administrator may by order deny, revoke, or condition any exemption specified in subsections (10) ((or)), (11), (12) or (13) of RCW 21.20.310 or in RCW 21.20.320, as now or hereafter amended, with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director or administrator may by order summarily deny, revoke, or condition any of the specified exemptions pending final determination of any proceeding under this section. Upon the entry of a summary order, the director or administrator shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director or administrator, the order will remain in effect until it is modified or vacated by the director or administrator. If a hearing is requested or ordered, the director or administrator, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this section may operate retroactively. No person may be considered to have violated RCW 21.20.140 as now or hereafter amended by reason of any offer or sale effected after the entry of an order under this section if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order."

Renumber the sections consecutively.

On page 1, on line 6 of the title, after "21.20.310;" insert "amending section 3, chapter 199, Laws of 1967 as last amended by section 3, chapter 188, Laws of 1977 ex. sess. and RCW 21.20.325; adding a new chapter to Title 48 RCW;"

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed House Bill No. 795, 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. 795, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Donohue, Talmadge—2.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 795, as amended by the Senate, having received the constitutional majority, 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. 806, by Representatives Winsley, Hurley and Knowles (by Department of General Administration request):

Authorizing the supervisor of banking to issue cease and desist orders against mutual savings banks engaging in certain practices.

The bill was read the second time by sections.

Senator Lewis moved adoption of the following amendment:

On page 8, line 3, insert:

"NEW SECTION. Sec. 11. There is added to chapter 32.04 RCW a new section to read as follows:

Any mutual savings bank chartered by the state of Washington may, upon receipt of the appropriate federal regulatory approval, convert to a federally chartered mutual savings bank."

Renumber accordingly.

#### POINT OF ORDER

Senator Walgren: "I raise the question of scope and object of the amendment.

"Perhaps the President would like a little additional time to consider that."

#### REPLY BY THE PRESIDENT

President Cherberg: "If you please, Senator Walgren."

#### MOTION

On motion of Senator Walgren, House Bill No. 806, together with the pending amendment by Senator Lewis and the Point of Order raised by Senator Walgren, was ordered held for consideration following Substitute House Bill No. 815.

#### SECOND READING

HOUSE BILL NO. 808, by Representatives Winsley, Hurley and Knowles (by Department of General Administration request):

Permitting corporations doing a trust business to deposit securities held in trust in other banks and trust companies.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Lee:

On page 3, after line 14 add a section as follows:

"NEW SECTION. Sec. 2. When a deposit is made in any national bank, state bank, or trust company and a receipt is issued for the deposit, the receipt shall clearly show the account in which the deposit is made."

#### POINT OF ORDER

Senator Jones: "Mr. President, I would raise the subject of scope and object, just in case, and for the very reasons described by Chairman Bausch."

President Cherberg: "Would you mind placing the bill down two notches, Senator?"

Senator Jones: "If you would, please, thank you."

President Cherberg: "If there are no objections, 808 will go behind 989."

Senator Walgren: "Mr. President, I wonder if we could revise that placement and put it after House Bill 952?"

President Cherberg: "Absolutely, Senator, after 952."

#### MOTION

On motion of Senator Walgren, House Bill No. 808, together with the pending amendment by Senators Pullen and Lee and the Point of Order raised by Senator Jones, will be considered following House Bill No. 952.

#### MOTION

On motion of Senator Marsh, Senator Talmadge was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 815, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Adams, Whiteside, Mitchell, Pruitt, Brekke, Lux, Burns, Winsley, Charnley, Galloway, Sherman and Scott):

Revising laws relating to substitutions of prescription drugs.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 815 was advanced to third reading, the second 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. 815 and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Bottiger, Donohue, Hayner, Talley—4.

Excused: Senators Keefe, Talmadge—2.

SUBSTITUTE HOUSE BILL NO. 815, having received the constitutional majority, was declared passed. 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, Senator Ridder was excused.

#### SECOND READING

HOUSE BILL NO. 875, by Representatives Winsley, Knowles, Hurley and Sanders:

Increasing the amounts that banks and trust companies may invest in real estate.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 875 was advanced to third reading, the second 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. 875 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senator Goltz—1.

Absent or not voting: Senators Henry, Lysen, Matson—3.

Excused: Senators Keefe, Ridder—2.

HOUSE BILL NO. 875, having received the constitutional majority, 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. 365, by Representatives Lux, Galloway, Smith (Rick), Zimmerman, Garrett and Williams:

Authorizing satellite facilities for credit unions.

The Senate resumed consideration of House Bill No. 365 and the pending amendment by Senators Pullen and Lee and the Point of Order raised by Senator Jones.

There being no objection, the amendment by Senators Pullen and Lee was withdrawn.

On motion of Senator Bausch, the rules were suspended, House Bill No. 365 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on final passage of House Bill No. 365 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Ridder—2.

HOUSE BILL NO. 365, having received the constitutional majority, 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. 952, by Representatives Winsley, Eng, Newhouse and Knowles:

Modifying liability of banks and trust companies for adverse claims on deposits.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, House Bill No. 952 was advanced to third reading, the second 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. 952 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Ridder—2.

HOUSE BILL NO. 952, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

HOUSE BILL NO. 983, by Representatives Charnley, Barnes, Grimm, Burns, Teutsch, Salatino, McGinnis, Oliver, Gruger, Erickson and Patterson:

Setting forth new limitation as to allowable aggregate cost of leaves for community college professional personnel.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 983 was advanced to third reading, the second 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. 983 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott,

Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Keefe, Ridder—2.

HOUSE BILL NO. 983, having received the constitutional majority, 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. 806, by Representatives Winsley, Hurley and Knowles (by Department of General Administration request):

Authorizing the supervisor of banking to issue cease and desist orders against mutual savings banks engaging in certain practices.

The Senate resumed consideration of House Bill No. 806 the following pending amendment by Senator Lewis and the Point of Order raised by Senator Walgren:

On page 8, line 3 insert:

"**NEW SECTION.** Sec. 11. There is added to chapter 32.04 RCW a new section to read as follows:

Any mutual savings bank chartered by the state of Washington may, upon receipt of the appropriate federal regulatory approval, convert to a federally chartered mutual savings bank."

Re-number accordingly.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order presented by Senator Walgren, the President finds that House Bill 806 is a measure which broadens the enforcement powers of the Supervisor of Banking by allowing him to issue cease and desist orders against mutual savings banks.

"The amendment proposed by Senator Lewis sets forth a procedure whereby state chartered mutual savings banks could convert to a federally chartered mutual savings bank.

"The President therefore finds that the amendment expands the scope and object of the bill and the Point of Order is well taken".

The amendment by Senator Lewis was ruled out of order.

The motion by Senator Bausch, the rules were suspended, House Bill No. 806 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 806 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Ridder—2.

HOUSE BILL NO. 806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 109.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 109, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Sanders, Erak and Oliver)(by House Committee on Insurance of 45th Legislature request):

Regulating insurance policy cancellations.

The bill was read the second time by sections.

Senator Hansen moved adoption of the following amendment by Senators Henry, Hansen and Guess:

On page 1, line 11, after "insurer." insert:

"No insurer shall cancel, deny, refuse to renew or increase premiums on any contract of insurance for a private passenger automobile on the basis of information relating to speeding violations where the posted speed limit was exceeded by twenty percent or less."

## POINT OR ORDER

Senator Clarke: "I raise the point of scope and object on this particular amendment and would like to be heard briefly in support of the motion.

"Substitute House Bill 109 is a very narrow bill. It simply provides that where an insurance policy is cancelled or not renewed, upon written request of the insured the company shall give the reason for such failure and then it also provides that the company shall be immune company and its representatives shall be immune from in effect, slander actions for that purpose. It has nothing whatsoever to do with the situations under which policies may be cancelled. It simply relates to the fact that the reason can be requested and that there is immunity for giving the answer. This amendment and various other amendments, which are offered tend to relate to the circumstances under which a policy may or may not be cancelled or failure to renew. And, for that reason substantially expand the scope and object of the bill."

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Clarke, the President finds that Substitute House Bill 109 is a measure which requires insurers and health care service contractors to disclose, upon request, the reasons for denial, cancellation or non-renewal of an insurance of health care service contract.

"The proposed amendment would regulate the conditions under which an insurer could refuse to renew automobile liability or collision coverage. There is a clear difference between disclosing information relating to an action and regulating the action itself.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the Point of Order is well taken."

The amendment by Senators Henry, Hansen and Guess was ruled out of order.

Senator Shinpoch moved adoption of the following amendment:

On page 1, line 20 insert the following:

"**NEW SECTION.** Sec. 2. It shall be an unfair practice and no insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this section shall prohibit the nonrenewal of comprehensive, road

service, or towing coverage on the basis of one or more claims submitted by an insured."

Re-number the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Clarke: "I also raise the point of scope and object on this amendment for the same reason that it is in the same category."

#### RULING BY THE PRESIDENT

President Cherberg: "Senator Shinpoch, the President believes your amendment regulates as the previous amendment did and therefore will rule accordingly."

The amendment by Senator Shinpoch was ruled out of order.

#### REMARKS BY SENATOR SHINPOCH

Senator Shinpoch: "Mr. President, I recognize that you have already ruled. However, on line 7 it deals with refusing to renew and if you follow that on down to line 8, passenger automobile insurance. It deals with unfair practices. I do not understand in light of those things, I would like to understand the reason for the ruling."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Could I respond briefly to Senator Shinpoch, I would submit that the ruling should be identical with the previous for the identical reason and that is that the bill as drawn deals exclusively with the fact that upon request for notice, notice shall be given. It has nothing to do with the right to cancel or refuse to renew in any instance. The two amendments in reality are almost in the same field."

#### REMARKS BY THE PRESIDENT

President Cherberg: "The President believes remarks by Senator Clarke are well taken, therefore so rules again."

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

On page 1, lines 27 and 28, strike "or any firm, person, or corporation".

On page 2, line 30, after "employees," strike "or any firm, person, or corporation".

There being no objection, on motion of Senator Morrison, an amendment on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Bausch, the rules were suspended, Substitute House Bill No. 109, 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. 109, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**SUBSTITUTE HOUSE BILL NO. 109**, as amended by the Senate, having received the constitutional majority, 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. 808**, by Representatives Winsley, Hurley and Knowles (by Department of General Administration request):

Permitting corporations doing a trust business to deposit securities held in trust in other banks and trust companies.

The Senate resumed consideration of House Bill No. 808, the pending amendment by Senators Pullen and Lee and the Point of Order raised by Senator Jones on the amendment.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Jones, the President finds that House Bill 808 is a measure which removes the present requirement that a trust department label each security to indicate the trust to which it belongs.

The amendment would require that when a receipt is issued for a deposit made in a bank or trust company the receipt must show the account number.

"The President therefore finds the amendment expands the scope and object of the bill and the Point of Order is well taken."

The amendment by Senators Pullen and Lee was ruled out of order.

On motion of Senator Bausch, the rules were suspended, House Bill No. 808 was advanced to third reading, the second 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. 808 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**HOUSE BILL NO. 808**, having received the constitutional majority, 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. 133**, by Committee on Local Government (originally sponsored by Representatives Warnke and Owen):

Modifying special purpose district contract and bid procedures.

The bill was read the second time by sections.

Senator Bluechel moved the following amendments by Senators Bluechel and Wilson be considered and adopted simultaneously:

On page 1, line 20, after "roster." strike all of the material down through the period on line 23 and insert the following:

~~"((The board of sewer commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster:))~~ The board of sewer commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry."

On page 3, line 22, after "roster." strike all of the material down through the period on line 23 and insert the following:

~~"((The board of water commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster:))~~ The board of water commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from at least three contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry."

#### POINT OF INQUIRY

Senator Day: "Senator Bluechel, Senator, we are not getting down into an area here where the expense of bidding costs money to let bids and to submit bids, and I am just wondering if by small works roster that is indicating to us that we are getting down into an area where the amounts are so small that it is not feasible to bid these jobs?"

Senator Bluechel: "Senator Day, we are talking about twelve thousand five hundred dollars and we do not have formal bidding procedures. What we have instituted here is the telephone bid procedure which we have in the other bidding procedures for cities and towns. We put about twelve sections of this in last session, in 1977, and we worked this out with Dave Rogers of the sewer commissioner's association. He agreed that it was the proper way to do it and, in actuality they do not have to put in a written bid now, except the confirmation. What they do is they phone their bids in the same as is allowed in the other larger entities and when we are talking twelve thousand five hundred dollars it saves a lot of work not having to post, advertise and everything like that. The procedure here used is that everybody in the small works roster is called on the phone and said we want to buy X number of pencils, the purchasing agent, and at that time the bidders would then within an hour or two hours, or whatever is reasonable time, phone back their lowest bid. At the end of all the bids being received, maybe one hour, the low bid would be picked and the person receiving the low bid would be awarded the bid and anybody else could phone in and find out where they were in line of bid. It is a pretty simple procedure. It is probably the simplest procedure there is."

Senator Day: "Well, of course, if it is not posted, how would everyone know, in other words only the people that know about these bids are the ones that are notified about it."

Senator Bluechel: "This is a small works roster in which everybody who wants to be on it must be on it as long as they have pre-qualified. We are not entering into that at all. Anybody who wants to bid will be called."

## POINT OF INQUIRY

Senator Talley: "Senator Bluechel, these amendments were discussed in the committee and the sewer people and the water people were there and they certainly did not agree with what the committee did and these agreements were made outside of the committee then?"

Senator Bluechel: "Dave Rogers of the sewer association wrote these amendments. These are different from the ones in committee."

The motion by Senator Bluechel carried and the amendments were adopted.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 133, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Talley: "Senator Wilson, have you put back in this thing the escalator clauses?"

Senator Wilson: "I was unable to get an escalator clause in this bill."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 133, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Conner, Fleming, Talley—3.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 133, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 802, by Representatives Knowles, Newhouse, Winsley, Lux and Deccio:

Modifying the definition of "debenture company".

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Engrossed House Bill No. 802 was advanced to third reading, the second 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. 802 and the bill passed the Senate by the following vote: Yeas 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 802, having received the constitutional majority, 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. 6, by Representatives McCormick and Martinis:

Exempting locomotive operation from the need for a driver's license.

The bill was read the second time by sections.

On motion of Senator Conner, the rules were suspended, House Bill No. 6 was advanced to third reading, the second 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. 6 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 6, having received the constitutional majority, 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. 96, by Committee on Transportation (originally sponsored by Representatives Sherman and Charnley):

Facilitating ride sharing operations.

### REPORT OF STANDING COMMITTEE

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 96, facilitating ride sharing operations (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 12, after "corporation." strike the remainder of the section, through and including "driver." on line 16.

On page 6, line 29, after "business." strike all material through and including "employees." on line 33, and insert "The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters."

Signed by: Senators Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Lee, Peterson, Van Hollebeke, Wanamaker.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment to page 6, line 12.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, my question is if I am going from here to Seattle, would I be allowed to pick up in my van a person and take him and drop him off at the business just ahead of the business — suppose I was going to Boeings, could I drop a passenger off at Southcenter and would I be legal?"

Senator Bottiger: "Senator Rasmussen, we are talking about an amendment. Senator Guess is going to handle the bill. I do not know why he asked me to handle the amendment, but he did and I have found myself in trouble already."

The motion by Senator Bottiger carried and the committee amendment was adopted.

On motion of Senator Bottiger, the committee amendment to page 6, line 29 was adopted.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 96, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Jones, Senator Matson was excused.

## POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I have particular reference to page 9, line 12, we find that the language says 'that the operation shall be permissible so long as it does not compete nor infringe upon comparable service actually being provided prior to the initiation of the ride sharing operation'. Now, the question is 'comparable service.' It is to permit operation of both buses and van pools in their respective areas in which they operate most efficiently. Can buses and van pools serve the same termini efficiently?"

Senator Bottiger: "Yes, Senator Guess, there is a need for both and I think that they both can serve the same termini efficiently."

Senator Guess: "The next question is, if a bus rider who traveled a considerable distance to get to the bus should opt for a van pool that stops at or a short distance from his home, would the van pool be competing with the bus?"

Senator Bottiger: "Senator Guess, as I understand the intent, the answer would be 'no'. The service would not be comparable. What is comparable or not is a question of fact to be decided by the utilities and transportation commission and I understand that they have agreed to provide interested parties with a staff interpretation which will give guidance on this point."

Senator Guess: "Would a van pool which operated on a more convenient schedule for the rider be offering service that is not comparable?"

Senator Bottiger: "If the schedule is significantly better the service would not be comparable. No commuter should have to wait for an unreasonable time. What is reasonable is a factual question and guidance on this point is also to be expected from the UTC."

Senator Guess: "Does schedule include travel time as well as waiting time?"

Senator Bottiger: "I believe, yes."

Senator Guess: "The next one, would customer amenities and equipment be considered in determining what is comparable? For example, the opportunity to smoke, or to be away from smokers, and provision of reading lights?"

Senator Bottiger: "Yes. Such amenities are the things that offer a rider a choice."

Senator Guess: "Senator Bottiger, I understand that the attorney general's opinion on this subject says one of the elements to compete with is solicitation. Does that still apply under this bill?"

Senator Bottiger: "Yes, I believe it does."

Senator Guess: "If a rider asks to join a van pool and is accepted when a vacancy occurs, is that a solicitation?"

Senator Bottiger: "I do not believe so."

Senator Guess: "The last question, is if a company has a ride sharing referral system or service and gave employees interested in rides a list of van pool operators and bus operators in a general area of his residence, would a company be guilty of solicitation or aiding or abetting?"

Senator Bottiger: "No, as long as the list included all available choices and was not a referral to a particular van pool or pools, i.e. the final choice is left to the rider."

Senator Guess: "Thank you, Senator Bottiger, and thank you members of the Senate."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, and members of the Senate, the purpose of that exchange obviously was to get intent into the bill so that the UTC and if any court action were filed, the intent of the legislature would be established and we appreciate the opportunity to do that."

#### POINT OF INQUIRY

Senator Rasmussen: "The prepared question and answer that Senators Guess and Bottiger had, did not answer my question, which was, if I picked up somebody not quite adjacent from my home and took him to another place of business other than the one where I work, if that would be a violation? The second question while you are answering Senator Guess, would be if I have a van and I am giving this service to my neighbors, do I have to apply to the utilities and transportation for a permit?"

Senator Guess: "The answer to the first question is, that it would depend on whether or not you charged that man for the ride. And, the purpose of the entire bill, Senator, is that in order to qualify with the van pool so that your insurance is writeable and coverable, the UTC will write the rules and regulations for the use of the van pool so that a person can pay and still the van operator be within the law and this is the sole purpose of the action."

Senator Rasmussen: "Your answer, Senator Guess, was not clear. If I charged that person, if that person contributed to the operating costs of the van, would that be considered running a commercial service? I am in agreement with the intent. I am trying to find out how wide it is."

Senator Guess: "The whole question that you have asked there is if there was an accident and that rider was injured, would he have a cause of action against you? I think that is what . . . okay, in order to be protected from a cause of action you would have to first have cleared as a van pool operator and then you would have been able to operate and accept money under the terms of the act."

Senator Rasmussen: "Then, Senator Guess, what you are saying is that all of the people now that are operating minivans, or whatever, and their friends are contributing to the cost of gasoline, oil and repairs, that that is illegal?"

Senator Guess: "The question that Senator Rasmussen has asked, I do not have the exact answer to it and I do not want to make a statement that is not proper. Perhaps Senator Bottiger has the answer."

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate, if your neighbor, Senator Rasmussen, was on a straight share-the-ride basis and not doing anything

for profit, he would be perfectly legal and probably covered under his insurance policy. He should read it. If he is out charging people for a ride to work, he had better read his insurance policy, he better tell his insurance agent about it, because he might not have coverage for those people.

"Now, if there is an ordinance relating to taxis or for hire vehicles in that community, he had better read that, too. I cannot tell you flat out whether he is legal or not, but I would presume he should check his county or city ordinances as to how they define a taxi. That is not the purpose of this bill, Senator Rasmussen. What we are trying to do here is authorize employers to set up van pools for their employees and to make those registered van pools exempt from the public transportation for higher action even though the van pool driver is collecting enough to make monthly payments on his van."

#### REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I would point Senator Rasmussen to section seven, which says that 'no private non-profit transportation provider may operate in this state without first having obtained from the commission under the provisions of this chapter a certificate. But a certificate shall be granted to any private, non-profit transportation provider holding an automobile transportation company certificate.' So, I think that that answers your question. You have got to have a certificate from the UTC in order to operate legally."

#### POINT OF INQUIRY

Senator Wilson: "Senator Bottiger, I could not follow the full significance of the question and answer session between yourself and Senator Guess, so I would like to ask whether any of your answers were intended to impair or adversely affect those portions of this bill designed to facilitate senior citizen transportation?"

Senator Bottiger: "Senator Wilson, in no way does this bill or any of our questions and answers affect the senior citizen, handicapped transportation program as I know them in this state."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 96, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SUBSTITUTE HOUSE BILL NO. 96, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 140, by Representatives Monohon, Keller, Schmitten and Fuller: Increasing port district levy flexibility.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, House Bill No. 140 was advanced to third reading, the second 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. 140 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Lysen—1.

Excused: Senators Keefe, Matson—2.

HOUSE BILL NO. 140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 195, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Eng, Blair, Hurley, Rosbach and Knowles):

Revising laws relating to savings and loan associations.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Substitute House Bill No. 195 was advanced to third reading, the second 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. 195 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SUBSTITUTE HOUSE BILL NO. 195, having received the constitutional majority, 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. 175, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Schmitten, Vrooman, Mitchell, Galloway, Jovanovich and Erak (by Department of Fisheries request):

Extending the limitation on commercial salmon licenses.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 175 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 175 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SUBSTITUTE HOUSE BILL NO. 175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 778, by Representatives Kreidler, Fancher, Clayton and Scott:

Changing the law on voting to dissolve an agricultural cooperative association.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, House Bill No. 778 was advanced to third reading, the second 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. 778 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

HOUSE BILL NO. 778, having received the constitutional majority, 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. 663, by Committee on Education (originally sponsored by Representatives Bauer, Whiteside, Galloway, Chandler, Valle, Greengo, Scott, Addison and Lux) (by Superintendent of Public Instruction request):

Creating program of remediation assistance to public school students who are deficient in basic skills achievement.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 663, creating program of remediation assistance to public school students who are deficient in basic skills achievement (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 1, line 19, after "(2)" strike "Tutoring" and insert "Program of remediation".

On page 1, line 20, after "to" strike "three" and insert "five".

On page 1, line 24, after "a" strike "tutoring program" and insert "program of remediation".

On page 1, line 27, after "prescriptive" strike ", tutorial".

On page 2, line 9 after "providing" strike "tutoring" and insert "a program of remediation".

On page 3, line 10, after "approved" strike "tutoring program" and insert "program of remediation".

On page 3, line 15, after "approved" strike "tutoring".

On page 3, line 15, after "program" insert "of remediation".

On page 4, line 6, after "diagnostic" strike the ", " and insert "and".

On page 4, line 6, after "prescriptive" strike the ", ".

On page 4, line 7, before "models" strike "tutorial".

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

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

On motion of Senator McDermott, the following amendment by Senators McDermott and Gould was adopted:

On page 4, after line 10, insert the following new section:

"Sec. 10. Section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have conducted a district needs assessment of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program: PROVIDED, FURTHER, That each school district or educational service district requesting funds shall have established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in and is supportive of the request for funding of the particular in-service training program. The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by ~~((the superintendent of public instruction: PROVIDED FURTHER, That the task force in each district shall be appointed by the school board in each district from residents of the district, and that no less than sixty percent of the members thereof shall be public members not employed by the school district))~~ the school district board of directors or educational service district board of directors."

Renumber the remaining section consecutively.

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

In the title, on page 1, line 4, after "achievement;" insert "amending section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A.71.210;".

On motion of Senator McDermott, the rules were suspended, House Bill 663, 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 Scott: "Senator McDermott, I need a little help and I suspect some of the others on the floor do as to the price of this bill, whether the price is built into the budget or not, as to whether what appears to be a type of categorical help for these students is indeed a new category, some of the parameters of the measure. Those of us that have not heard it in caucus and are not on your committee are a little bit at sea."

Senator McDermott: "All right. If you want an explanation at this hour I will give it to you. This is an implementing bill for a program which was included in the Governor's budget. It is also anticipated to be covered in the Senate education budget. It is a program that will respond to the needs of school children in this state as demonstrated by the fourth grade testing and it is also designed to be responsive to the federal Title 1 incentive program which is now before Congress and will put additional money out into the school districts. This particular bill was give us a breadth of remediation which will go all across school districts. It will give us the ability to reach children who need remediation for reasons other than their economic standard. Title 1 is directed at socio-economic things, but this will give us the ability to reach all kids who need remediation programs."

Senator Scott: "Could this be termed then, a new categorical and do other programs in any way overlap or duplicate it?"

Senator McDermott: "Actually, this bill as the Governor's budget reflected it, was really to wipe out several programs and to set up a state-wide remediation program. So, in one sense it is a new program, but it really envelopes several others that have been there before."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 663, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

HOUSE BILL NO. 663, as amended by the Senate, having received the constitutional 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 Walgren: "I move that the Senate be adjourned until twelve noon on Monday."

The President: "Senator Walgren has moved that the Senate adjourn until twelve noon Monday."

The President: "Senator Gould . . ."

Senator Gould: "Point of inquiry, what is the status of House Bill 25 at this point?"

The President: "The President will check the record, Senator Gould."

The President: "Senator Gould, the records indicate that you made a motion to reconsider immediately. That motion carried on a rising vote. Then the question of reconsideration of the vote by which the measure was passed was to be reconsidered after House Bill 100. You asked if you would have the opportunity. The President answered 'yes' fully expecting you to have the opportunity. However, a motion of higher rank has been made by Senator Walgren to adjourn."

Senator Gould: "I certainly wouldn't doubt your word or the word of the record. It was my understanding that my original motion was to reconsider, my second motion was to reconsider immediately but I defer to your decision."

The President: You may recall that a similar instance occurred several days ago. The only element different being that at that time it required a suspension of the rules."

Senator Lewis: "Mr. President, if the motion was passed to reconsider then the bill is not passed. Is that correct?"

The President: "The President honestly believes that the first motion was to consider the question immediately and was going to put another motion to the effect when Senator Gould would make the motion to reconsider the vote by which the bill passed."

Senator Lewis: "Is the bill considered then to have been passed and now has passed both houses and no further action can be taken?"

The President: "The absolute best of the President's recollection unless the bill is acted on further that the bill has been passed."

Senator Lewis: "I wonder if the majority leader, in light of the Chair's position of having said 'yes, the bill would be able to be considered', would like to withdraw his motion to adjourn in fairness to the understanding at that time."

Senator Walgren: "Senator Fleming, my adviser in this, says that the one bite has been had already. We seem to have a split of opinion over here as to whether or not we should adjourn. I think I should stick to the motion I made to adjourn. As a matter of fact, I am not sure after the five o'clock period which we have imposed by our rules, we could further consider the bill anyway."

The President: "The Chamber realized that this discussion is out of order but . . . Senator Lewis . . ."

Senator Lewis: "Mr. President, being as the Ruling at the time was that it could be considered after five o'clock, I believe that was said, that if the majority leader would withdraw his motion to adjourn, would it then be in order to discuss this bill?"

The President: "The President believes that it would be."

The President: "Senator Marsh . . ."

Senator Marsh: "Point of order, Mr. President. A motion has been made, it is undebatable . . . call for the question."

The President: "The point is well taken."

The President: "The motion is that the Senators move that the Senate adjourn until twelve noon, Monday, the time is debatable. Senator Gould, you can speak on that."

Senator Walgren: "Mr. President, as I say, there is a dispute over on our side as to whether or not we ought to stick to the motion to adjourn and rather than taking a poll of all the persons involved, I will withdraw my motion at this point and let them proceed."

The President: "Senator Gould . . ."

Senator Gould: "Mr. President, I would move that we reconsider the vote by which House Bill 25 passed . . . immediately."

The President: "Senator Gould has moved that the Senate reconsider the vote by which House Bill 25 passed."

Senator Bottiger: "Mr. President and members of the Senate, I am want to think of the time when I was first serving in the House and Margaret Hurley pulled a rule on me that I never forgot and, Senator Gould, had we adjourned, I was going to suggest you mark it in the book and remember it but Senator Walgren permits us to debate this.

"Now, we had a bill out here that passed the House, an amendment was prepared tightening it down and taking care of some problems which we joined in, went back, adopted the amendment and provided the safeguards that are in that amendment.

"Now you want to reconsider which means that we have got to go back to second reading and then it takes a bump to go back up to third reading, Now for those people who realize all the rules—let's remember that if you expect to do anything about a bill that now provides that only the mailman and the meter reader have any relief if a dog bites them on their property . . . that is the status of the law. If you want to provide any relief for that, I would suggest the bill, as amended, provides the protection.

"If you want to have a dog that bites kids, you have got to post your property or build a fence. If you have a dog, I have two of them—one of them doesn't bite kids and one of them does—and the one that does is kept restrained and in a run and put in the house when nobody is home and anybody that comes in the house is going to get bitten. It is there when I am gone and my wife and kids are home alone. I have a dog like that. It is trained to do that but if I let that dog out and it bites somebody's kid, I ought to pay.

"Now, if we go back to second reading, can't get back to third, then we have left the law the way it is now. No relief for people that get bitten. I would suggest the amendment and the bill is a fair compromise to allow the people that want to have dogs that bite people to build a fence to keep the little kids out and post the property."

#### POINT OF ORDER

Senator Marsh: "Mr. President, I raise the Point of Order that it is now 5:20 and SCR 102 points out that after 5:00 p.m. on the fifty-fourth day of the session, Friday, March 2, 1979, neither the Senate nor the House shall consider any bills except appropriation and revenue bills, messages to amendments, matters of differences between the two houses, conference and free conference reports, and matters incident and pertaining to the interim and to the closing of the business of the regular session of the legislature. I would submit, Mr. President, that it is improper for us to further consider House Bill No. 25. It was not under consideration until well after five o'clock tonight."

Senator Scott: "Mr. President, if Senator Marsh's point would hold then that, I presume, would also take the vote, the vote on the last bill we did."

Senator Gould: "Mr. President, would it be appropriate that the bill was under consideration prior to five o'clock because the motion to reconsider was made and approved by the body earlier in the day?"

The President: "Senator Gould, the President has always held that when consideration started on a bill prior to five o'clock that it would . . . the action on it would be completed. In other words, if something were made a special order of business at 4:59, then the Senate would conclude action on that bill. However, to the best of the President's recollection, he cannot recall whereby a question of this kind would be eligible for consideration after five p.m."

Senator Hansen: "Mr. President, beings you were under consideration, what is the status of the bill now. Is it dead now?"

The President: "The President believes that the bill has passed, Senator Hansen."

Senator Hansen: "How could you come up with a determination like that when you had it under reconsideration?"

The President: "The motion to reconsider, in the President's mind, was never put, Senator Hansen."

Senator Gould: "Mr. President, may I try my last parting shot. Reed's Parliamentary Rules of Order states in 203: 'Motion for Reconsideration.—A motion to reconsider, if agreed to, reopens the entire question for further action, as if there had been no final decision'. As I recall that motion was made and approved by the body earlier today."

The President: "The President quite agrees with Reed's Parliamentary Rules, Senator Gould, and also with the Rule 31: 'On and after the fiftieth day of any session a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day'.

"The President thoroughly agrees with the meaning of that rule. However, the President believes that House Concurrent Resolution No. 102 precedes those rules. This, in essence, is a joint rule between this body and the House."

Senator Pullen: "Mr. President, as I recall, we did vote to reconsider the measure. Is that correct?"

The President: "Voted to immediately reconsider the question. To immediately . . ."

Senator Pullen: "Then we did take that vote and we voted 'yes'. Is that not correct? Then the motion was to hold the bill on the calendar for further action."

The President: "To hold the motion to reconsider on further action."

Senator Pullen: "Well, what was the vote that we took?"

The President: "That you would reconsider it now and then a motion was made to act upon it later."

Senator Pullen: "We did vote to reconsider it now. Is that not correct? There was a rising vote and I cannot recall the exact numbers but on the rising vote the proponents carried the particular vote. Was that not a vote to immediately reconsider?"

The President: "Then another motion was made that was adopted by the body to consider the question later, Senator Pullen; since the interested parties did not make the motion within the time frame of the concurrent resolution."

Senator Pullen: "Therefore it seems to me that the bill that we were carrying with this past five o'clock should be dead."

The President: "The President stated that the bill under consideration prior to five, the Senate has always been permitted to complete the consideration. This is . . . your points are all well taken, ladies and gentlemen, but not timely."

Senator Lewis: "Mr. President, was there not a Ruling from the Chair, from you, that the bill would be able to be considered after five o'clock?"

The President: "The President then answered the question . . ."

Senator Lewis: "Yes . . . I apologize, Mr. President."

The President: "The President would have to check the record, Senator."

Senator Marsh: "Mr. President, I respectfully submit that the resolution . . ."

#### RULING BY THE PRESIDENT

The President: "The Point of Order presented by Senator Marsh is well taken.

"The motion has been made the Senate adjourn until twelve noon Monday. As many as are in favor say 'aye' . . . as many opposed say 'no'. The ayes appear to have it.

"The Senate is now adjourned until twelve noon, Monday."

## FIFTY-SEVENTH DAY

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### NOON SESSION

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Senate Chamber, Olympia, Monday, March 5, 1979.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Keefe and McDermott. On motion of Senator Wilson, Senators Keefe and McDermott were excused.

The Color Guard, consisting of Pages Gail Beaird and Bruce Axtman, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD OUR FATHER, WE COME TO YOU TODAY IN GRATITUDE FOR ALL THE BRAVE SOULS WHO HAVE EXPLORED THE FRONTIERS OF HUMAN ENDEAVOR IN THE STATE OF WASHINGTON. WE GIVE YOU THANKS FOR MOUNTAIN CLIMBERS AND CLAIM STAKERS, SCIENTISTS AND SURVEYORS, LUMBERMEN AND LONGSHOREMEN, BUILDERS OF AIRPLANES AND SEARCHERS OF SOUL.

"ESPECIALLY FOR THE FAMILY OF WILLI UNSOELD DO WE PRAY TODAY, FOR JOLENE AND OTHER FAMILY MEMBERS WHO MOURN HIS DEATH ON THE MOUNTAIN ALL OF US LOVE TO LOOK AT, BUT HE LOVED TO CLAIM AS HIS OWN DOMAIN. BE ALSO WITH THE FAMILY OF JANE DIEPENBROCK OF SACRAMENTO WHO DIED WITH HIM IN THE AVALANCHE. WE THANK YOU FOR ALL COURAGEOUS WOMEN AND MEN WHO DARE TO RISK THEIR LIVES FOR ADVENTURE, AND WE PRAY FOR THOSE WHO DARE TO INVEST THEIR TIME AND ENERGY ON BEHALF OF THE COMMON GOOD. FOR THESE SENATORS, WE PRAY THAT THEIR MINDS MAY BE CLEAR, THEIR INSIGHT KEEN AND THEIR JUDGMENT SOUND FOR THE TASKS OF THIS IMPORTANT DAY IN THE WORK OF THE LEGISLATURE. IMBUE THEM WITH THE POWER THEY NEED TODAY, AND HELP THEM, WITH US, TO PLACE THEIR RELIANCE UPON THEE. 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.

### REPORTS OF STANDING COMMITTEES

March 2, 1979.

**SUBSTITUTE HOUSE BILL NO. 51**, requiring statements on convicted persons for the parole board (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 2, 1979.

**ENGROSSED HOUSE BILL NO. 101**, clarifying laws on negligent driving and racing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

March 2, 1979.

SUBSTITUTE HOUSE BILL NO. 697, revising the law on replevin (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

March 2, 1979.

HOUSE BILL NO. 846, correcting statutory references to the Department of Revenue (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

March 2, 1979.

HOUSE BILL NO. 847, correcting statutory references to the Department of Social and Health Services (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

March 2, 1979.

HOUSE BILL NO. 848, correcting statutory references to the office of financial management (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

March 2, 1979.

HOUSE BILL NO. 849, correcting statutory references to the Department of Licensing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 2, 1979.

MARY ELLEN KRUG, to the position of member of the Public Employment Relations Commission, appointed by the Governor on January 31, 1977, for the term ending September 8, 1980, succeeding Philip Kienast (reported by the Committee on Labor):

Recommends that said appointment be confirmed.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; Matson, McDermott, Moore, Morrison, Sellar.

**MESSAGE FROM SENATE COMMITTEE ON FINANCIAL  
INSTITUTIONS AND INSURANCE**

March 2, 1979.

**TO:** Washington State Senate  
**FROM:** Senate Financial Institutions and Insurance Committee  
**SUBJECT:** Sunset Report on Debt Adjusting

In accordance with the Sunset Act of 1977, the Senate Financial Institutions and Insurance Committee and the House Financial Institutions Committee, as committees of reference, have met jointly pertaining to Debt Adjusting.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate Financial Institutions and Insurance Committee and the House Financial Institutions Committee have jointly concurred that Chapter 18.28 RCW, relating to Debt Adjusting, should not be terminated.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

cc: Legislative Budget Committee  
Office of Financial Management  
Select Joint Committee on Sunset

**MESSAGE FROM SENATE COMMITTEE ON FINANCIAL  
INSTITUTIONS AND INSURANCE**

March 2, 1979.

**TO:** Washington State Senate  
**FROM:** Senate Financial Institutions and Insurance Committee  
**SUBJECT:** Sunset Report on the Escrow Commission

In accordance with the Sunset Act of 1977, the Senate Financial Institutions and Insurance Committee and the House Financial Institutions Committee, as committees of reference, have met jointly pertaining to the Escrow Commission.

After reviewing the recommendations of the Legislative Budget Committee and the Office of Financial Management, the Senate Financial Institutions and Insurance Committee and the House Financial Institutions Committee have jointly concurred that Chapter 289, Laws of 1977, 1st ex. session, relating to the Escrow Commission should be terminated.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

cc: Legislative Budget Committee  
Office of Financial Management  
Select Joint Committee on Sunset

**MESSAGES FROM THE HOUSE**

March 2, 1979.

Mr. President: The House has passed:  
ENGROSSED SENATE BILL NO. 2102,  
ENGROSSED SENATE BILL NO. 2180,  
ENGROSSED SENATE BILL NO. 2511, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 2, 1979.

Mr. President: The House has passed HOUSE BILL NO. 601, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 2, 1979.

Mr. President: The House has failed to pass SUBSTITUTE SENATE BILL NO. 2830.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 2, 1979.

Mr. President: The House has passed:  
ENGROSSED SENATE BILL NO. 2026,  
SENATE BILL NO. 2066,  
ENGROSSED SENATE BILL NO. 2067,  
ENGROSSED SENATE BILL NO. 2068,  
SENATE BILL NO. 2094,  
SENATE BILL NO. 2101,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2117,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2118,  
SENATE BILL NO. 2121,  
ENGROSSED SENATE BILL NO. 2124,  
SENATE BILL NO. 2136,  
ENGROSSED SENATE BILL NO. 2138,  
SUBSTITUTE SENATE BILL NO. 2141,  
ENGROSSED SENATE BILL NO. 2147,  
ENGROSSED SENATE BILL NO. 2155,  
ENGROSSED SENATE BILL NO. 2179, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 2, 1979.

Mr. President: The House has passed:  
ENGROSSED SENATE BILL NO. 2256,  
SUBSTITUTE SENATE BILL NO. 2265,  
ENGROSSED SENATE BILL NO. 2277,  
SUBSTITUTE SENATE BILL NO. 2291,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2304,  
ENGROSSED SENATE BILL NO. 2305,  
SUBSTITUTE SENATE BILL NO. 2310,  
SENATE BILL NO. 2321,  
ENGROSSED SENATE BILL NO. 2355,  
SUBSTITUTE SENATE BILL NO. 2376,  
SENATE BILL NO. 2479,  
SENATE BILL NO. 2562,  
SUBSTITUTE SENATE BILL NO. 3100, and the same are herewith

transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 2, 1979.

Mr. President: The Speakers have signed:  
SENATE BILL NO. 2119,

SUBSTITUTE SENATE BILL NO. 2148, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 601, by Representatives Taller, Hurley, Dunlap, Nelson (Dick), Greengo, King, Sanders, Maxie, Dawson, Douthwaite, Zimmerman, Burns, Polk, Becker, Addison and Tupper:

Modifying the leasehold excise tax exemption on certain property within certain historical sites.

Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 2028,  
SENATE BILL NO. 2178,  
SENATE BILL NO. 2186,  
SENATE BILL NO. 2417.

MOTIONS

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

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1979-14	Adolescent parents, study
1979-15	RARE II land
1979-16	Pesticide control act, study
1979-21	Retention Olympic Hotel

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-19.

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

SENATE RESOLUTION 1979-19

By Senator Marsh and Morrison:

WHEREAS, Our country has flourished under a private enterprise economic system; and

WHEREAS, A need exists to constantly further the public's understanding of that system; and

WHEREAS, The Superintendent of Public Instruction, Central Washington University, and the Association of Washington Business have cooperated to provide the public with increased information relating to our economic system; and

WHEREAS, They have developed a program known as Business Week which has already graduated over nine hundred high school students and provided additional information to over one hundred twenty teachers; and

WHEREAS, The Business Week concept has been expanded this year to provide four weekly sessions during the months of July and August;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Superintendent of Public Instruction, Central Washington University, and the Association

of Washington Business be congratulated and commended for establishing the Business Week program; and

BE IT FURTHER RESOLVED, That the students, teachers, and other participants in the program are hereby recognized for their achievements and are hereby honored for a job well done; and

BE IT FURTHER RESOLVED, That the Senate extends its best wishes for the continued success of the Business Week program; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to the three organizations which have developed the Business Week program.

### MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

#### SENATE RESOLUTION 1979-18

By Senators von Reichbauer and Pullen:

WHEREAS, The Washington Games for Physically Disabled Citizens are held annually at Green River Community College and are sponsored by King County Parks, Seattle Parks and Recreation Department, Green River Community College and the Kent Kiwanis Club; and

WHEREAS, The Washington Games for Physically Disabled Citizens provide a sporting atmosphere and challenging games for physically disabled children and adults; and

WHEREAS, The games offer competition, a sense of pride and accomplishment, a chance for social interaction and a means of increasing physical fitness to all participants; and

WHEREAS, The games include players from Washington, Oregon and Canada; and

WHEREAS, The Washington Games for Physically Disabled Citizens present an exciting and challenging opportunity for participants to compete with others of equal ability;

NOW, THEREFORE, BE IT RESOLVED, That the Washington Games for Physically Disabled Citizens be commended for the fine opportunities it offers; and

BE IT FURTHER RESOLVED, That King County Parks, Seattle Parks and Recreation Department, Green River Community College and the Kent Kiwanians be wholeheartedly commended for making the games possible through their sponsorship; and

BE IT FURTHER RESOLVED, That the sponsors and participants of the 1979 Washington Games for Physically Disabled Citizens receive a copy of this transmission from the Secretary of the Senate.

### MOTIONS

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1979-20.

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

#### SENATE RESOLUTION 1979-20

By Senators Walgren; Lieutenant Governor John A. Cherberg; Senators Newschwander, Goltz, Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker,

Williams, Wilson, Wojahn, Woody; Secretary of the Senate Sid Snyder; Assistant Secretary of the Senate Bill Gleason; and Sergeant at Arms Charlie Johnson:

WHEREAS, One of this state's most distinguished citizens, Mr. August Werner, will be honored with a dinner on March 3, 1979; and

WHEREAS, Professor Werner has achieved a most unique and rewarding educational background, having acquired a Bachelor of Science degree in agriculture in his native Norway, then coming to this country specifically to study architecture, but instead choosing to train in drama and opera and receiving a degree from the Master School of Music in New York City; and

WHEREAS, Mr. Werner has been a Professor in the School of Music at the University of Washington for thirty-three years, and has given countless lectures and performances in the broad field of opera, with his primary focus on the young people of our state; and

WHEREAS, Professor Werner was the first recipient of the Naumberg Foundation Prize as baritone soloist with symphony orchestras; and

WHEREAS, This man of international stature in what was his primary field of music has achieved equal renown as a sculptor and wood-carver; among his works a bust of Sibelius in Aabo, Finland, busts of Grieg in the Norwegian Embassy in Washington, D.C. and at Pacific Lutheran University in Parkland, Washington, a sculpture of Beethoven at the University of Washington, and a bronze statue of Leif Erikson at Shilshole Bay in Seattle; and

WHEREAS, Professor Werner is also an oil painter of landscapes and seascapes of distinction, with countless one-man shows throughout the United States; and

WHEREAS, Professor Werner has been decorated by the King of Norway and by the King of Sweden, and was made a Knight of Order of the Order of Saint Olaf by the King of Norway and was honored with a Distinguished Service Award by Pacific Lutheran University;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington wishes to pay its respects and to express its appreciation for his contributions to the people of our state and nation to Professor August Werner, citizen of the United States by naturalization, scholar, teacher, performer and artist; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall present a copy of this resolution to Professor August Werner and to such others as may be deemed appropriate.

#### MOTIONS

On motion of Senator Walgren, all members were permitted as additional sponsors to Senate Resolution 1979-22.

On motion of Senator Newschwander, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1979-22

By Lieutenant Governor John A. Cherberg; Senators Newschwander, Walgren, Goltz, Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody; Secretary of the Senate Sid Snyder; Assistant Secretary of the Senate Bill Gleason; and Sergeant at Arms Charlie Johnson:

WHEREAS, WILLI AND JOLENE UNSOELD, have long exemplified the dedication of the human intellect and spirit to the causes of personal excellence and social responsibility; and

WHEREAS, WILLI UNSOELD perished March 4, 1979, on Mt. Rainier with his climbing companion and student, JANIE DIEPENBROCK; and

WHEREAS, WILLI, as a founding faculty member of interdisciplinary studies at The Evergreen State College and as a true Renaissance Man, was loved by many and respected by all for giving to those who learned with him a desire to emulate his philosophy of life, wherein excellence is met by toughness of mind and gentleness of soul; and

WHEREAS, WILLI was internationally respected for his pioneer conquest of Mt. Everest, his role as Peace Corps director in Nepal, and his work in Outward Bound; and

WHEREAS, JOLENE is admired and respected throughout the State of Washington for her unceasing efforts to assure open, responsive government and high levels of ethical responsibility by our elected officials; and

WHEREAS, REGON, KRAG and TERRES UNSOELD have joined their parents in providing exemplary models for citizen participation and community involvement; and

WHEREAS, WILLIAM F. UNSOELD, in his unflagging pursuit of the pinnacles of the human experience, "never gave an inch";

NOW, THEREFORE BE IT RESOLVED, THAT The Senate of the State of Washington expresses its condolences for the untimely deaths of WILLI UNSOELD AND JANIE DIEPENBROCK, and that the Senate extend its sympathy to both families in their sorrow.

#### REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, members of the Senate, I did not know Janie Diepenbrock, but I did know Willi Unsoeld, at least slightly, and considered him a friend, and I would like to rise to say a few words about Willi Unsoeld and the kind of rare contribution people like Willi Unsoeld make in our society.

"Willi Unsoeld was primarily an educator in his professional life. He was one who has an institutionalized responsibility for passing on the cultural values and knowledge in our society from one generation to the next. Willie Unsoeld loved life and he loved the challenge of the mountains.

"He found that the human contest with nature was a way to test human capacity of mind and body. He used the environment of the mountains to teach biology, geology, philosophy, religion, what have you, and to seek the truth. Few people have that rare gift. His students learned from him in that environment and they loved him for it.

"Nature taught us a lesson yesterday as well. It is not always predictable and it does not discriminate and eventually death comes to everyone, oftentimes without warning and in the prime of life. I thought this morning of the words of an unusual philosopher, Walter Hagen, who is a golfer, who one time said I think something which we should all ponder today: 'We are only here for a little while, don't forget to smell the flowers.'

#### REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "I was shocked this morning when I heard on the news that Willi was not with us anymore. It was beyond my comprehension how one family can have two tragedies in such a short time.

"It was my privilege to have met Willi several times during the last three years. He was a former student at PLU, and we have all known Jolene with the work that she has done in the Legislature. I have gotten to know Jolene over the years as she attended the Ethics Committee very religiously and the work that she has done to open our eyes is beyond imagination.

"I would just at this time want to wish Jolene and her family and the family of Janie Diepenbrock our condolences and although things are dark today, things will be better tomorrow."

The members of the Senate observed a moment of silence in memory of Willi Unsoeld.

#### 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 Walgren, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 1, 1979.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2021 with the following amendments:

On page 1, line 11, after "authorization" insert "pursuant to law".

On page 1, line 17, after "institution," insert "knowingly".

On page 2, line 4, after "institution," insert "knowingly".

On page 2, line 14, after "buildings" strike the comma and insert "or adjacent".

On page 2, line 15, after "grounds" strike ", or any other real property".

On page 2, line 17, after "9A.04.110:" insert "PROVIDED, That such correctional buildings, grounds, or property are properly posted pursuant to Section 5 of this Act, and such person has knowingly entered thereon:".

On page 2, line 17, after "PROVIDED" insert "FURTHER", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Marsh, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2021.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2021, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Pullen—1.

Excused: Senators Keefe, McDermott—2.

ENGROSSED SENATE BILL NO. 2021, 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.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate of Tugomir Dzalto, Consul General of the Socialist Federal Republic of Yugoslavia and Tihomir Kondev, Director of Press and Culture Center of Yugoslavia in New York. The President appointed Senators Matson, Newschwander, Odegaard, and Walgren as a committee of honor to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Consul General Dzalto to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

#### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2406 with the following amendments:

On page 2, line 19, strike "Has had, or would have, difficulty" and insert "Needs assistance".

On page 6, line 20, strike all of Section 12 and reinsert on page 1, after line 3 as section 1 and renumber the remaining sections accordingly, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2406.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2406, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2406, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SENATE BILL NO. 2403 with the following amendment:

After the enacting clause, insert the following additional section:

"Section 1. Section 43.09.260, chapter 8, Laws of 1965 and RCW 43.09.260 are each amended to read as follows:

The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of (~~((townships, cities and towns, and school))~~) all taxing districts shall be made at (~~((least once in every two years; all other examinations shall be made at least once a year))~~) such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all taxing districts shall be made at least once in every three years. The term "taxing districts" for purposes of RCW 43.09.190 through 43.09.285 includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of taxing districts which shall include: A designation of the various classifications of taxing districts; a designation of the frequency for auditing each type of taxing district; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor."

Renumber the section following consecutively.

In line 1 of the title, after "accounts;" insert "amending section 43.09.260, chapter 8, Laws of 1965 and RCW 43.09.260;" and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Senate Bill No. 2403.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2403, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

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.

### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2569 with the following amendment:

On page 1, line 14, after "facilities" insert "leased by the commission to a private concessionaire or", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2569.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2569, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2569, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2149 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. This act shall be known and cited as "The Transitional Bilingual Instruction Act of 1979". The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. Experience has shown that classes which are taught in English are inadequate to meet the needs of these children. The legislature finds that a bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of this act to provide for the implementation of bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts to meet the extra costs of these programs.

**NEW SECTION.** Sec. 2. As used in this act, unless the context thereof indicates to the contrary:

(1) "Transitional bilingual instruction" means a system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: **PROVIDED,** That the program shall include testing in the subject matter in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning when taught only in English, but shall not include pupils who are equally or almost equally competent in English and other languages.

**NEW SECTION.** Sec. 3. Every school district board of directors shall:

(1) Make available to each eligible pupil bilingual instruction in accord with rules of the superintendent of public instruction: **PROVIDED,** That such rules shall provide that any school district with a limited number of pupils of the same non-English dominant language shall not be required to activate a new bilingual program but may carry on an alternative instructional program utilizing resources available to the district.

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) Annually determine by administration of a test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district.

(4) Provide in-service training for all teachers, counselors, and other staff, who are involved in bilingual education within the district. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and bilingual program models.

**NEW SECTION.** Sec. 4. Every school district board of directors may appoint, maintain, and receive recommendations from an advisory committee of persons including parents whose children are in the bilingual instruction program and bilingual teachers and other staff members.

**NEW SECTION.** Sec. 5. The superintendent of public instruction shall prepare and issue prior to September, 1979, program development guidelines to assist school districts in preparing their programs. Rules for implementation of this bilingual instruction act shall be promulgated by the superintendent of public instruction in accordance with chapter 34.04 RCW no later than May 15, 1980.

**NEW SECTION.** Sec. 6. The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of this act shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: **PROVIDED,** That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills. School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of sections 1 through 6 of this act.

**NEW SECTION.** Sec. 7. Section 3 of this act shall take effect September 1, 1980.

**NEW SECTION.** Sec. 8. Sections 1 through 6 of this act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

**NEW SECTION.** Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator McDermott, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2149.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2149, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—36.

Voting nay: Senators Benitz, Bluechel, Bottiger, Conner, Hayner, Lewis, Pullen, Scott, Sellar, Wanamaker, Wilson—11.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2149, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed **SUBSTITUTE SENATE BILL NO. 2274** with the following amendments:

On page 2, beginning on line 10, strike "~~((the provisions of chapter 193, Laws of 1969 ex. sess.))~~ RCW 39.58.050" and insert "the provisions of chapter 193, Laws of 1969 ex. sess."

On page 3, beginning on line 1, strike "~~((the provisions of chapter 193, Laws of 1969 ex. sess.))~~ RCW 39.58.050" and insert "the provisions of chapter 193, Laws of 1969 ex. sess.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Sellar, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2274.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**ENGROSSED SENATE BILL NO. 2274**, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed **SENATE BILL NO. 2159** with the following amendments:

On page 4, after line 2, insert the following new section to read as follows:

**"NEW SECTION.** Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 5 of the title, after "79.01.200;" strike "and"

On page 1, line 7 of the title, after "79.01.204" insert "; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 2159.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2159, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2159, 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 Bottiger, the House Message on Senate Bill No. 2077 will be considered following the House Message on Substitute Senate Bill No. 2097.

## MOTION

At 2:40 p.m., on motion of Senator Walgren, the Senate recessed until 3:40 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:40 p.m.

## MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Second Substitute House Bill No. 204.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 204, by Committee on State Government (originally sponsored by Representatives Becker, Struthers, D. Nelson, Mitchell, Houchen, Rohrbach and Addison) (by Governor Ray request):

Establishing a criminal justice division and council in the governor's office.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute House Bill No. 204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Rasmussen, in the ways and means committee we have done a lot of questioning of the department of social and health services about adult corrections and we have also talked to the board of prison terms and parole and we have talked to the jail commission and a lot of other justice-related organizations and I wonder if you could tell me on page three of the bill, it says that one of the responsibilities of this council is to develop comprehensive, unified and

and orderly procedures to ensure that all local plans and all state and local criminal justice projects are in accord with the comprehensive state plan for juvenile and criminal justice. Would it be your intention, or would it be your belief that that says that this agency is now the central planning agency for the state as far as criminal justice goes?"

Senator Rasmussen: "No, I would think that this would relate only to the fact that they will allocate funds in accordance with any law that we have passed and see that the funds are spent in a unified and orderly procedure. These funds go out in grants to the local level to local police and sheriffs and so forth, and that would be my understanding of that."

Senator McDermott: "So you would not believe that they had any statewide planning function beyond the allocation of the money that comes from the federal government? In other words, DSHS will continue to plan by itself and the board of prison terms and parole will continue to plan by itself, and the jails commission will plan by itself? This is not an attempt to bring those together under one agency?"

Senator Rasmussen: "I would think not, Senator McDermott. I would think that if they had recommendations for new legislation in that respect that they then would be required to bring those before the legislature and get them adopted in law."

Senator McDermott: "Thank you."

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson: "Senator Rasmussen, I am a little bit concerned on page three, starting on line thirteen, 'to perform such duties as set forth by the Governor in matters relating to juvenile and criminal justice'. Now, we are revising this juvenile code in this session of the legislature. I want to know what affect that has on the revision of the juvenile code; secondly, I would like to know what the fiscal impact of this measure is going to be, or if you had a fiscal impact run on it?"

Senator Rasmussen: "It would be my understanding you are referring to line thirteen, 'to perform such duties as set forth by the Governor in matters relating to juvenile and criminal justice'. I don't think that the Governor's office can require any duties other than set out by law. The Governor's office cannot create law. They can have advice and recommendations, but when it comes to the grants at the local level the advisory council will then make a recommendation as to whether or not they are following out these juvenile and criminal justice as set out by law and it can be set out no other way. Rule or regulation will not cover that."

Senator Peterson: "All right, how about the fiscal impact?"

Senator Rasmussen: "Fiscal impact is one million state funds and twenty-four million federal funds."

Senator Peterson: "How much federal?"

Senator Rasmussen: "Twenty-four million."

#### MOTION

On motion of Senator Bluechel, Second Substitute House Bill No. 204 was ordered held on the third reading calendar for Tuesday, March 6, 1979.

#### MOTION

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

## MESSAGE FROM THE HOUSE

March 5, 1979.

Mr. President: The Speakers have signed:  
 SUBSTITUTE HOUSE BILL NO. 82,  
 HOUSE BILL NO. 127,  
 SUBSTITUTE HOUSE BILL NO. 139,  
 SUBSTITUTE HOUSE BILL NO. 796, and the same are herewith  
 transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SENATE BILL NO. 2077 with the following amendments;

On page 1, line 14, after the period insert "Any reduction in rates granted in whatever manner to low income senior citizens in one part of a service area shall be uniformly extended to low income senior citizens in all other parts of the service area."

On page 1, line 14, strike "implementing such reduced rates." and insert "providing the utility services.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

## MOTION

Senator Bottiger moved the Senate do concur in the House amendments to Senate Bill No. 2077.

## POINT OF INQUIRY

Senator Gallagher: "Senator Bottiger, does this allow the municipality whose service area extends beyond the city limits to offer our low income senior citizens a reduced rate by way of rebate taken from the city's general fund?"

Senator Bottiger: "Senator, it is the intent of the makers of the amendment in the House and I would presume that it would be the intent of the Senate if they concur, that in the case — and I will use Tacoma which areas you and I represent — if they offer a rebate to bring about an effectively reduced rate for low income senior citizens, at the time the interpretation was the city's general revenues could not be used to effectively reduce the rate of low income senior citizens outside the city. This amendment would authorize such a rebate throughout the service area. Now, in addition to the city of Tacoma and there are many other municipalities whose service area is not coincidental with their city boundaries. Seattle City Light has customers outside the boundary area and it is the purpose of the House amendment to say that if you have a program for your customers, that that program be co-extensive with your service area, not necessarily with your city limit boundaries. So, the same rate should apply outside as it does inside."

## POINT OF INQUIRY

Senator Wilson: "Senator Bottiger, to refresh my memory, are the provisions in this bill entirely optional with each individual utility?"

Senator Bottiger: "Absolutely, Senator, this bill is the result of an auditor's report challenging the authority of several cities in the state; Seattle, Tacoma,

Ellensburg, to offer a rate classification for senior citizens and this bill says they can, as they have been doing."

The motion by Senator Bottiger carried and the Senate concurred in the House amendments to Senate Bill No. 2077.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2077, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Newschwander—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2077, 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 HOUSE BILL NO. 82,

HOUSE BILL NO. 127,

SUBSTITUTE HOUSE BILL NO. 139,

SUBSTITUTE HOUSE BILL NO. 796.

### MOTION

On motion of Senator Walgren, Senate Bill No. 2317 and Senate Bill No. 2402 were returned to the Committee on Rules.

### REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, these two bills appear to be outside the criteria established under our concurrent resolution consideration for the rest of this particular week. Both of these measures and others of a similar nature will be considered later, I trust."

### REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, I move the following bills be returned to the Committee on Rules for the same reason as I expressed with regard to the other two."

### MOTION

On motion of Senator Walgren, the following House Bills were returned to the Committee on Rules: HB 4, SHB 76, HB 100, SHB 186, SHB 188, HB 218, SHB 249, HB 419, SHB 425, EHB 612, SHB 962, HB 989, EHB 1325.

## MOTION

At 4:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, March 6, 1979.

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

## FIFTY-EIGHTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 6, 1979.

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 Keefe and Quigg. On motion of Senator Wilson, Senator Keefe was excused. On motion of Senator Jones, Senator Quigg was excused.

The Color Guard, consisting of Pages Majken Ryherd and Matt Wright, presented the Colors. Reverend John L. Gretz, pastor of St. John's Episcopal Church of Kent, offered the following prayer:

"HEAVENLY FATHER, WE BLESS YOU FOR THE COMING OF SPRING, THE GREENING OF YOUR CREATION. HELP OUR HEARTS TO BE COMPASSIONATE, OUR MINDS TO BE CLEAR, AND OUR WILLS TO BE DECISIVE AS WE ACCOMPLISH YOUR WORK IN THE ENACTMENT OF THE LAWS OF THIS SESSION FOR THE SAKE OF OUR BROTHERS AND SISTERS IN THIS STATE. WE THANK YOU FOR YOUR CONTINUING PRESENCE IN ALL WE DO OR SAY, MOST OF ALL FOR YOUR LOVING GUIDANCE IN OUR SPIRITUAL JOURNEY TOWARDS OUR HEAVENLY HOME. AMEN."

### MOTION

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

### PRESENTATION OF DAFFODIL FESTIVAL ROYALTY

The President announced the presence on the Senate rostrum of the Puyallup Valley Daffodil Festival princesses who are guests of Senator Marcus Gaspard.

The President introduced other members of the Festival Committee who were present in the Senate Chamber.

With permission of the Senate, business was suspended to permit the honored guests to sing a song.

The President requested members of the Pierce County delegation to come to the Senate rostrum.

The guests of honor left the Senate Chamber to appear in the House of Representatives.

### REPORTS OF STANDING COMMITTEES

March 5, 1979.

SENATE BILL NO. 2010, authorizing housing authorities to build mobile home parks for senior citizens (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2010 be substituted therefor, and that Substitute Senate Bill No. 2010 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

March 5, 1979.

SENATE CONCURRENT RESOLUTION NO. 103, making legislative determinations regarding proposed jail standards (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 103 be substituted therefor, and that Substitute Senate Concurrent Resolution No. 103 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, Talley.

Passed to Committee on Rules for second reading.

March 5, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480, revising the laws against discrimination to include persons with physical handicaps (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

March 5, 1979.

SAUL ARRINGTON, to the position of member of the State Jail Commission, appointed by the Governor on October 11, 1977 for the term ending October 7, 1980 (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.

Passed to Committee on Rules.

March 5, 1979.

ERNEST J. AGUILAR, to the position of member of the State Jail Commission, appointed by the Governor on October 11, 1977 for the term ending October 7, 1980 (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.

Passed to Committee on Rules.

March 5, 1979.

MRS. RUBY CHOW, to the position of member of the Washington State Jail Commission, appointed by the Governor On October 11, 1977 for the term ending October 7, 1979 (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.

Passed to Committee on Rules.

March 5, 1979.

C. J. JOHNSON, to the position of member of the Washington State Jail Commission, appointed by the Governor on October 11, 1977 for the term ending October 7, 1979 (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.

Passed to Committee on Rules.

March 5, 1979.

JAMES L. YOUNG, to the position of member of the Washington State Jail Commission, appointed by the Governor on October 11, 1977 for the term ending October 7, 1979 (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.  
Passed to Committee on Rules.

March 5, 1979.

STANLEY P. KERSEY, to the position of member of the Washington State Jail Commission, appointed by the Governor on October 26, 1978 for the term ending October 7, 1981 (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.  
Passed to Committee on Rules.

March 5, 1979.

FRANKLIN F. CLINE, to the position of member of the State Jail Commission, reappointed by the Governor on October 26, 1978 for the term ending October 7, 1981, succeeding himself (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.  
Passed to Committee on Rules.

March 5, 1979.

PAUL A. KLASSEN, to the position of member of the State Jail Commission, reappointed by the Governor on October 26, 1978 for the term ending October 7, 1981, succeeding himself (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.  
Passed to Committee on Rules.

March 5, 1979.

LARRY V. ERICKSON, to the position of member of the State Jail Commission, appointed by the Governor on January 8, 1979 for the term ending October 7, 1979, succeeding William J. Reilly (reported by the Committee on Local Government):

MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, Sellar.  
Passed to Committee on Rules.

#### MOTION

On motion of Senator Wilson, Senator von Reichbauer was excused.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of confirmation of gubernatorial appointments.

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Lysen, the appointment of Dr. Eugene Wiegman as Commissioner of the Department of Employment Security was confirmed.

#### APPOINTMENT OF DR. EUGENE WIEGMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones,

Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senators Keefe, Quigg, von Reichbauer—3.

#### MOTION

On motion of Senator Conner, the appointment of Mel Stewart as a member of the Board of Pilotage Commissioners was confirmed.

#### APPOINTMENT OF MEL STEWART

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

#### MOTION

On motion of Senator Morrison, the appointment of Don E. Olson, Jr. as a member of the Public Employment Relations Commission was confirmed.

#### APPOINTMENT OF DON E. OLSON, JR.

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

#### MOTION

On motion of Senator Lysen, the appointment of Mary Ellen Krug as a member of the Public Employment Relations Commission was confirmed.

#### APPOINTMENT OF MARY ELLEN KRUG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Quigg—2.

#### MOTION

On motion of Senator Wilson, Senator Williams was excused.

#### MOTION

On motion of Senator Lysen, the appointment of Paul Roberts as a member of the Public Employment Relations Commission was confirmed.

#### APPOINTMENT OF PAUL ROBERTS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Quigg, Williams—3.

#### MOTION

On motion of Senator Goltz, the appointment of S. L. Chase as a member of the State Board for Community College Education was confirmed.

#### APPOINTMENT OF S. L. CHASE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Quigg, Williams—3.

#### MOTION

On motion of Senator Goltz, the appointment of David P. Alcorta as a member of the Commission on Vocational Education was confirmed.

#### APPOINTMENT OF DAVID P. ALCORTA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Jones, Matson—2.

Excused: Senators Keefe, Quigg—2.

## MOTION

On motion of Senator Lewis, Senator Jones was excused.

## MOTION

On motion of Senator Bottiger, the appointment of Aldo J. Benedetti as a member of the Utilities and Transportation Commission was confirmed.

## APPOINTMENT OF ALDO J. BENEDETTI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Fleming—1.

Excused: Senators Jones, Keefe, Quigg—3.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2255 with the following amendment:

On page 9, line 9, after "directions" insert ": PROVIDED, The compliance to the term "contrary to label directions" is enforced by the director consistent with the intent of this act", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Hansen, the Senate concurred in the House amendment to Substitute Senate Bill No. 2255.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Jones, Keefe, Quigg—3.

SUBSTITUTE SENATE BILL NO. 2255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SENATE BILL NO. 2045 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 90, Laws of 1969 as last amended by section 5, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.095 are each amended to read as follows:

~~((Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be two hundred dollars per annum. PROVIDED, That))~~ Every owner of a vessel used as a charter boat from which only food fish other than salmon are taken for personal use shall obtain a yearly charter boat license for each vessel, and the fee for said license shall be one hundred dollars per annum. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington into state ports.

No vessel may engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time: PROVIDED, That the license and delivery permit allowing the the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment, shall be included under the provisions of this section.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, whether resident or nonresident, and the fee for the license shall be two hundred dollars per annum. However, vessels used by guides for clients seeking salmon for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia river below the bridge at Longview, are not charter boats under this section or RCW 75.28.095.

Sec. 3. Section 2, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.110 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve any salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game.

(2) To aid and advise the department in the performance of its functions as specified by this section with regard to the salmon enhancement program, a salmon advisory council is hereby created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who shall be chairman; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The terms of the initial members appointed by the governor expire on December 31, 1979. Thereafter, all members appointed by the governor shall serve terms of two years.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and any other factors the council deems relevant with respect to the proposed facility.

Vacancies shall be filled in the same manner as original appointments. Except for the director of the department of game and legislative members, members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

The salmon advisory council shall cease to exist on December 31, 1989.

**NEW SECTION.** Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "fish;" delete "and"

On page 1, on line 3 of the title, after "75.28.095" and before the period, insert "; amending section 2, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.110; adding a new section to chapter 75.28 RCW; providing an expiration date; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Senate Bill No. 2045.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2045, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Scott—1.

Absent or not voting: Senator Matson—1.

Excused: Senators Jones, Keefe, Quigg—3.

SENATE BILL NO. 2045, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 1, 1979.

Mr. President: The House has passed SENATE BILL NO. 2069 with the following amendment:

On page 1, after line 25, insert the following:

"Sec. 2. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of (~~motor vehicles~~) licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue (~~and the association of county assessors~~) in cooperation with the department of licensing.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of (~~motor vehicles~~) licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter which amounts to an overpayment of five dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment,

regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to charge and collect the full amount of the excise tax due, which underpayment is in the amount of five dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

~~((No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of motor vehicles within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of motor vehicles within thirteen months after such claimed excessive excise tax was paid:))~~

Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of ~~((motor vehicles))~~ licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor."

On page 1, line 1 of the title, after "vehicles;" strike "and"

On page 1, line 3 of the title, after "RCW 46.68.010" insert "; and amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 95, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.44.120", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Conner, the Senate concurred in the House amendments to Senate Bill No. 2069.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2069, 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 Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Keefe, Quigg—2.

SENATE BILL NO. 2069, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SENATE BILL NO. 2078 with the following amendment:

On page 1, line 10, after "fee" strike "of ((two)) three dollars" and insert "((of two dollars)) sufficient to meet, but not exceed, the costs incurred", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendment to Senate Bill No. 2078.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Odegaard, Van Hollebeke—2.

Excused: Senators Keefe, Quigg—2.

SENATE BILL NO. 2078, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2097 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. There is added to chapter 46.04 RCW a new section to read as follows:

"Moped" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, and the wheels of which are at least sixteen inches in diameter.

The state commission on equipment may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to vehicles which do meet these specific criteria.

Sec. 2. Section 46.04.330, chapter 12, Laws of 1961 and RCW 46.04.330 are each amended to read as follows:

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

Sec. 3. Section 28, chapter 154, Laws of 1963 and RCW 46.04.332 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) (~~(- and every bicycle with motor attached)~~). A motor driven cycle does not include a moped.

Sec. 4. Section 46.04.670, chapter 12, Laws of 1961 and RCW 46.04.670 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW, but not for the purposes of chapter 46.70 RCW.

**NEW SECTION.** Sec. 5. There is added to chapter 46.16 RCW a new section to read as follows:

Application for registration of a moped shall be made to the department of licensing in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the moped to be registered, the vehicle identification number, and such other information as the department may require, and shall be accompanied by a registration fee of three dollars. Upon receipt of the application and the application fee, the moped shall be registered and a registration number assigned, which shall be affixed to the moped in the manner as provided by rules adopted by the department. The registration provided in this section shall be valid for a period of twelve months.

Every owner of a moped in this state shall renew the registration, in such manner as the department shall prescribe, for an additional period of twelve months, upon payment of a renewal fee of three dollars.

Any person acquiring a moped already validly registered must, within fifteen days of the acquisition or purchase of the moped, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar.

The registration fees provided in this section shall be in lieu of any personal property tax or the vehicle excise tax imposed by chapter 82.44 RCW.

The department shall, at the time the registration number is assigned, make available a decal or other identifying device to be displayed on the moped. A fee of one dollar and fifty cents shall be charged for the decal or other identifying device.

The provisions of RCW 46.01.130 and 46.01.140 shall apply to applications for the issuance of registration numbers or renewals or transfers thereof for mopeds as they do to the issuance of vehicle licenses, the appointment of agents, and the collection of application fees. Except for the fee collected pursuant to RCW 46.01.140, all fees collected under this section shall be deposited in the motor vehicle fund.

Sec. 6. Section 1, chapter 232, Laws of 1967 and RCW 46.20.500 are each amended to read as follows:

No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332 as now or hereafter amended, unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles: PROVIDED, That any person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

Sec. 7. Section 46.44.050, chapter 12, Laws of 1961 as amended by section 12, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.050 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight exceeds that allowed for one axle under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches: PROVIDED, That the minimum wheelbase for mopeds is thirty-eight inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

NEW SECTION. Sec. 8. There is added to chapter 46.61 RCW a new section to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of section 5 of this 1979 act.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped on a fully controlled limited access highway or on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

NEW SECTION. Sec. 9. There is added to chapter 46.61 RCW a new section to read as follows:

Mopeds shall comply with those federal motor vehicle safety standards established under the national traffic vehicle safety act of 1966 (15 U.S.C. Sec. 1381, et. seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards".

In line 1 of the title, after "mopeds;" strike the remainder of the title and insert "amending section 46.04.330, chapter 12, Laws of 1961 and RCW 46.04.330; amending section 28, chapter 154, Laws of 1963 and RCW 46.04.332; amending sections 46.04.670, chapter 12, Laws of 1961 and RCW 46.04.670; amending section 1, chapter 232, Laws of 1967 and RCW 46.20.500; amending section 46.44.050, chapter 12, Laws of 1961 as amended by section 12, chapter 64 Laws of 1975-'76 2nd ex. sess. and RCW 46.44.050; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding new sections to chapter 46.61 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Bluechel, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 2097 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has adopted ENGROSSED SUBSTITUTE SENATE BILL NO. 2142 with the following amendment:

Strike everything after the enacting clause and insert:

"Section 1. Section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24.320 are each amended to read as follows:

Any (~~owner of livestock~~) person who suffers damages as a result of actions described in (~~RCW 9A.48.070 through 9A.48.090~~) RCW 9A.48.080(c) or any owner of a horse, mule, cow, heifer, bull, steer, swine, or sheep who suffers damages as a result of a wilful, unauthorized act described in RCW 9A.56.080 may bring an action against the person or persons committing the act in a court of competent jurisdiction for exemplary damages up to three times the actual damages sustained, plus attorney's fees.

Sec. 2. Section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080 are each amended to read as follows:

(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; or

(c) Notwithstanding RCW 16.52.070, causes physical damage, destruction, or injury by amputation, mutilation, castration, or other malicious act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 3. Section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 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 (~~and shall also include the injury or destruction of livestock~~).

Sec. 4. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 174, Laws of 1977 ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, without lawful authority and 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.

(3) For purposes of subsection (1) of this section, "wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates" shall not include any act of causing physical damage, destruction, or injury by amputation,

mutilating, castration or other similar act to a horse, mule, cow, heifer, bull, steer, swine, or sheep.

Sec. 5. Section 4, chapter 146, Laws of 1901 and RCW 16.52.070 are each amended to read as follows:

Every person who cruelly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes, procures, authorizes, requests or encourages so to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten or mutilated or cruelly killed, any animal; and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the same, or unnecessarily fails to provide the same with the proper food, drink, air, light, space, shelter or protection from the weather, or who wilfully and unreasonably drives the same when unfit for labor or with yoke or harness that chafes or galls it, or check rein or any part of its harness too tight for its comfort, or at night when it has been six consecutive hours without a full meal, or who cruelly abandons any animal, shall be guilty of a misdemeanor.

For purposes of this section, the acts punishable under this section shall not include the act of maliciously causing physical damage, destruction, or injury by amputation, mutilation, castration, or other similar act to a horse, mule, cow, heifer, bull, steer, swine, goat, or sheep."

In the title page 1, line 1, strike everything after "AN ACT" and insert "Relating to livestock; amending section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 174, Laws of 1977 ex. sess. and RCW 9A.56.080; amending section 3, chapter 174, Laws of 1977 ex. sess. and RCW 4.24-.320; amending section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080; amending section 9A.48.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 174, Laws of 1977 ex. sess. and RCW 9A.48.100; and amending section 4, chapter 146, Laws of 1901 and RCW 16.52-.070.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Hansen, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 2142 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2184 with the following amendments:

On page 1, after line 24, insert the following:

"Sec. 2. Section 4, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local

or other funds are made available on a matching basis for improvements within the purposes of this chapter.

The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems."

On page 1, on line 1 of the title, delete "and"

On page 1, on line 3 of the title, after "43.83A.050" and before the period insert "; amending section 4, chapter 127, Laws of 1972 ex. sess. and RCW 43.83A.040", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

Senator Williams moved the Senate concur in the House amendments to Substitute Senate Bill No. 2184.

#### POINT OF INQUIRY

Senator Williams: "Senator Guess, the original bill allowed bond monies to be utilized for recycling, public recycling centers. This was an expansion of the previous definition of the use of those bonds. The House added an amendment which restricted the use of those monies for recycling in an instance where there is a reasonable private recycling effort going on and the decision to be made on that is referred to the department of ecology director.

"I would like to ask if your understanding of that would be that still local governments would not be precluded from submitting an application in spite of a private recycler in their area and allowing that that decision then as to what is reasonable would take into account reasonable in the eyes of that local unit of government in terms of the private recycling activity being satisfactory, readily available, et cetera. Is that your understanding?"

Senator Guess: "That is my impression, Senator Williams. In certain instances we find that the recycler, the small recycler in free enterprise does not have the means whereby he can do it and if he was asked to undertake the recycling it would require that he go out and borrow money at a rate that he could not handle, and therefore it would be unreasonable. And, I think what we want to do is we want to make sure that the local communities can cooperate in every reasonable way of getting a recycling program going."

The motion by Senator Williams carried.

The Senate concurred in the House amendments to Substitute Senate Bill No. 2184.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2184, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

SUBSTITUTE SENATE BILL NO. 2184, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 1, 1979.

Mr. President: The House has passed SENATE BILL NO. 2206 with the following amendments:

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

"NEW SECTION. Sec. 2. This act shall take effect on January 1, 1980."

On page 1, line 1 of the title, strike "and"

On page 1, line 4 of the title, after "RCW 15.53.9018" insert "; and providing an effective date", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Senate Bill No. 2206.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2206, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

SENATE BILL NO. 2206, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2226 with the following amendment:

On page 1, line 10, strike "one-half" and insert "one-quarter", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Odegaard, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2226.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute 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, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn—46.

Absent or not voting: Senator Woody—1.

Excused: Senators Keefe, Quigg—2.

ENGROSSED SUBSTITUTE 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 Jones, Senator Matson was excused.

## MESSAGE FROM THE HOUSE

March 2, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2393 with the following amendments:

On page 2, line 9, after "of" strike "~~((eight))~~" and insert "~~((eight))~~ twelve"

On page 2, line 21, strike "~~((same rate as delinquent real property taxes))~~" and insert "~~((same rate as delinquent real property taxes))~~ rate of twelve percent per annum"

On page 3, following line 3, insert new section as follows:

"Sec. 3. Section 20, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.200 are each amended to read as follows:

(1) In the case of land owned by the United States on which control measures of a type and extent required pursuant to this chapter have not been taken, the county noxious weed control board, with the approval of both the director of the department of agriculture and the appropriate federal agency, may perform, or cause to be performed, such work. The cost thereof, if not paid by the agency managing the land, shall be a state charge and may be paid from any funds available to the department of agriculture for the administration of this chapter.

(2) The county noxious weed control board is authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on Indian lands.

(3) The state shall make all possible efforts to obtain reimbursement from the federal government for costs incurred under this section: PROVIDED, That the state shall actively seek to inform the federal government of the need for noxious weed control on federally owned land where the presence of noxious weeds adversely affects local control efforts: PROVIDED FURTHER, That the state shall actively seek adequate federal funding for noxious weed control on federally owned land.

And renumber the remaining sections consecutively.

On page 3, line 4, after "who" insert "knowingly"

On page 3, line 7, after "who" insert "knowingly"

In the title, page 1, line 5, after ".230;" insert "amending section 20, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.200," and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 2393.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2393, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Pullen—1.

Excused: Senators Keefe, Matson, Quigg—3.

SUBSTITUTE SENATE BILL NO. 2393, 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, the Senate returned to the third order of business.

MESSAGES FROM THE GOVERNOR

Office of the Governor, March 5, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 2, 1979, Governor Ray approved the following Senate Bill entitled:

SUBSTITUTE SENATE BILL NO. 2148: Supplemental Budget.

Sincerely,  
H. B. HANNA  
Legal Counsel.

Office of the Governor, March 5, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 1, 1979, Governor Ray approved the following Senate Bill entitled:

SENATE BILL NO. 2111: Revenue & Taxation of timber and forest lands.

Sincerely,  
H. B. HANNA  
Legal Counsel.

MESSAGE FROM THE GOVERNOR  
REGARDING DAVID CRAIG RUNYAN

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN;

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

On the 14th day of July, 1967, David Craig Runyan was convicted and sentenced for the felony offense of Unlawful Sale of Narcotics by the Superior Court for the State of Washington in and for the County of Kittitas under Cause Number C-6724 to a maximum term of twenty years.

David Craig Runyan was paroled by the Washington State Board of Prison Terms and Paroles on the 15th day of September, 1969. He was granted a Conditional Discharge from Supervision on the 28th day of September, 1971 and granted a Final Discharge Restoring Civil Rights by the Board of Prison Terms and Paroles on the 8th day of January, 1973. Numerous petitions and letters have been received on behalf of David Craig Runyan urging that his twenty year maximum term be cancelled. It appears from the information presented that David Craig Runyan has evolved into the type of person who makes extraordinary contributions to the peace and dignity of the citizens of our state.

On May 16, 1978, by virtue of the authority vested in me by the laws of the State of Washington, I do hereby pardon David Craig Runyan of the crime of Unlawful Sale of Narcotics and do release and discharge David Craig Runyan from any further punishment, penalty or obligation by reason of the conviction of the crime of Unlawful Sale of Narcotics, and do restore all civil rights forfeited by reason of this conviction.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE GOVERNOR  
REGARDING BYRON B. KENT

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

Byron B. Kent was found guilty of Possession of Amphetamines by the Superior Court of the State of Washington for Yakima County on February 4, 1974, and was given a three year deferred sentence. Mr. Kent satisfactorily performed the terms of his probation and in less than the three years was granted an order of dismissal on April 26, 1976, in the Yakima County Superior Court, which restored his civil rights.

During his probation, but more particularly since the dismissal of the charges against him, Mr. Kent has fully demonstrated his rehabilitation. The record indicates that he is drug and alcohol free, is responsibly employed and community oriented. A substantial cross-section of the citizenry where he lives and works, including some law enforcement people, support his request for pardon.

On September 14, 1977, Byron B. Kent was granted a pardon from the judgment and sentence of Possession of Amphetamines entered on February 4, 1974, by the Superior Court of the State of Washington for Yakima County.

On February 10, 1978, this pardon was amended to further restore Mr. Kent's right to possess and bear arms.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

#### MESSAGE FROM THE GOVERNOR REGARDING ALICE AVERY

Office of the Governor, February 27, 1979.  
TO THE HONORABLE, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

#### LADIES AND GENTLEMEN:

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

On July 18, 1975, Alice Avery was sentenced to a Federal penitentiary for a term of six months and a three year probationary period of Judge Marshall Neill of the Federal District Court, Eastern District of Washington. The crime was the sale of 23.19 grams of heroin, being a violation of Titles 21 and 18 of the United States Code.

Alice Avery was released from parole status and probation by order of Marshall Neill, United States District Judge on March 1, 1977. This is verified by letter dated March 9, 1977, signed by Gary V. Vargas, United States Probation Officer.

While the Board of Prison Terms and Paroles has the statutory authority to grant a restoration of civil rights to a person convicted of a felony under state law, it does not have such authority where a person is convicted under federal law. The Governor, however, does have the authority to restore within this state the civil rights of a person convicted of a felony under federal law.

It is reported to me by investigation of the Washington State Board of Prison Terms and Paroles that Alice Avery has a responsible position in a Seattle law firm as a legal secretary. She is rearing four children and her conduct strongly indicates she is maintaining a law abiding posture in the community. The Board has recommended restoration of her civil rights and I agree this should be done.

On February 6, 1978, by virtue of the authority vested in me, I do hereby restore to Alice Avery all civil rights and privileges forfeited by reason of her conviction.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE GOVERNOR  
REGARDING GREGORY WAYNE DAVIS

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

On the first day of January, 1977, Gregory Wayne Davis was sentenced by the Superior Court of the State of Washington in and for the County of Kitsap under Cause Number 2995 to a maximum term of five years and a mandatory minimum term of two years for the felony offense of Sale of a Controlled Substance (Heroin) and a Finding of Fact was entered that Gregory Wayne Davis sold the heroin for profit which required the mandatory minimum term of two years under RCW 69.50.410.

The sentencing judge by letter dated July 11, 1977 expressed that the court was favorably impressed with the cooperative attitude of Gregory Wayne Davis and made a recommendation to the Washington State Board of Prison Terms and Paroles that he be considered favorably for an intensive probation program in the community.

The superintendent of Firlands Correctional Center by letter of March 27, 1978, on the basis of Gregory Wayne Davis' above-average adjustment within the correctional facility, recommended a waiver of the mandatory sentence and further recommended that Gregory Wayne Davis be scheduled for a parole hearing in December of 1978.

By letter of March 3, 1978 the Board of Prison Terms and Paroles recommended that the mandatory minimum term of two years be commuted to give the Board the authority to consider Gregory Wayne Davis for parole.

On May 16, 1978, by virtue of the authority vested in me by the laws of the State of Washington, I do hereby commute the mandatory portion of the five-year sentence of Gregory Wayne Davis and authorize the Board of Prison Terms and Paroles to parole Gregory Wayne Davis subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by the Board, including the authority to revoke the parole and return Gregory Wayne Davis to imprisonment.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE GOVERNOR  
REGARDING TRINIDAD TREVINO

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

Trinidad Trevino was found guilty of Illegal Possession of Narcotic Drugs (Marijuana) and committed to a Washington State Correctional Facility on June 13, 1969. The amount of marijuana in possession was less than two grams, but on such date any possession was considered a felony.

Mr. Trevino not only served over one year in prison, but was deported to Mexico. His family continues to reside in the State of Washington.

On November 16, 1977, the Washington State Board of Prison Terms and Paroles granted to Mr. Trevino a Final Discharge and Restoration of Civil Rights. The Board has also recommended a gubernatorial pardon so that Mr. Trevino can rejoin his family in Grandview, Washington.

It does not appear that Trinidad Trevino has in any way violated the law since his satisfactory completion of probation, and his continued deportation seems a punishment far too harsh for the crime involved in 1969. In addition, many supporting letters have been submitted attesting to his continued good conduct. The record merits executive pardon.

On February 2, 1978, Trinidad Trevino was granted a pardon from the judgment and sentence of Illegal Possession of Narcotic Drugs (Cause 2465) entered on June 15, 1969, by the Superior Court of the State of Washington for Adams County.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

### MESSAGE FROM THE GOVERNOR REGARDING KATHERINE LOUISE HUFF

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

On the 3rd day of November, 1967, Katherine Louise Huff was sentenced by the Superior Court for the State of Washington in and for the County of Spokane under Cause Number 18538 to a mandatory term of life imprisonment for the crime of Murder in the First Degree.

Katherine Louise Huff has been continuously confined in excess of ten years since the date of her sentence, and her conduct and record have been exemplary. Katherine Louise Huff has been granted the status of work release for six years and has completed over one hundred social outings in the community successfully. Because of the statutory minimum sentence provided in RCW 9.95, substantial

additional incarceration will be required before she will be eligible for parole pursuant to the authority of the Washington State Board of Prison Terms and Paroles.

The Board has interviewed Katherine Louise Huff and has advised that she has demonstrated that her progress in the institution has been outstanding, and the Board recommended that her sentence be commuted and the Board be given the authority to consider her for parole to an acceptable plan.

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

On the 16th day of May, 1978, by virtue of the authority vested in me by the laws of the State of Washington, I do hereby commute the life sentence of Katherine Louise Huff and authorize the Board of Prison Terms and Paroles to parole Katherine Louise Huff subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by the Board, including the authority to revoke the parole and return Katherine Louise Huff to imprisonment.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

#### MESSAGE FROM THE GOVERNOR REGARDING ROBERT HUSON

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

On the 26th day of May, 1967, Robert Huson was sentenced by the Superior Court for the State of Washington, in and for the County of King, to a term of life imprisonment for the crime of Murder in the First Degree.

Robert Huson has now served in excess of eleven years at the Washington State Penitentiary at Walla Walla, where his conduct and record have been exemplary. Because of the statutory minimum sentence provided in RCW Chapter 9.95, additional incarceration will be required before he will be eligible for parole pursuant to the authority of the Board of Prison Terms and Paroles.

The Superintendent and Institutional Reviewing Committee have recommended to the Board of Prison Terms and Paroles that the Board recommend on behalf of Robert Huson to have his life sentence commuted to allow him to be considered for parole to an acceptable parole plan. The Board of Prison Terms and Paroles has recommended Robert Huson's commutation.

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

On March 1, 1978, by virtue of the authority vested in me by the laws of the State of Washington, do hereby commute the life sentence of Robert Huson and authorize the Washington State Board of Prison Terms and Paroles to parole Robert Huson subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by the Board, including the authority to revoke the parole and return Robert Huson to imprisonment.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE GOVERNOR  
REGARDING RICHARD MONTGOMERY

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

On September 8, 1977, Richard Montgomery was sentenced by the United States District Court for the Western District of Washington to confinement in a Federal Penitentiary for a period of five years with a special two year parole to follow. The conviction concerned a violation of Title 21 United States Code 841 (a) (1) and Title 18 United States Code 2, Possession of Marijuana With Intent To Distribute.

Mr. Montgomery was discharged from parole on December 1, 1977, by action of the United States Department of Justice.

While the Board of Prison Terms and Paroles has the statutory authority to grant a restoration of civil rights to a person convicted of a felony under state law, it does not have such authority where a person is convicted under federal law. However, the Governor does have the authority to restore within this state the civil rights of a person convicted of a felony under federal law.

Richard Montgomery has petitioned my office for the restoration of his civil rights and I have this authority. His petition is supported by his employer, Mr. Bill Lupinacci, of the Pioneer School District, No. 402, Shelton, Washington, and by others attesting to his good character and capabilities. He is further supported by his former Federal Probation Officer, Walter D. Myers. I believe this to be an appropriate case for restoration of civil rights.

On February 6, 1978, by virtue of the authority in me vested, do hereby restore to Richard Montgomery all civil rights and privileges forfeited by reason of his conviction.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE GOVERNOR  
REGARDING ALFRED C. BOILEAU

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

On December 1, 1972, Alfred C. Boileau was sentenced by the United States District Court for the Western District of Washington to confinement in a federal penitentiary for a period of thirty days for the crime of making a false statement in an official matter; being a violation of 18 U.S.C. 1001 Article VI, Section 3 of the State Constitution disqualifies a person convicted of a felony from voting in the State of Washington.

While the Board of Prison Terms and Paroles has the statutory authority to grant a restoration of civil rights to a person convicted of a felony under state law, it does not have such authority where a person is convicted under federal law. However, the Governor does have the authority to restore, within this state, the civil rights of a person convicted of a felony under federal law.

I am advised that Alfred C. Boileau has conducted himself in a satisfactory and acceptable manner and has given such evidence as to justify the belief that he is trustworthy and reliable and that a restoration of his civil rights is appropriate. In addition, he has established, by presenting himself for office and being elected as Mayor of Cosmopolis, that he has the respect of his peers and the confidence of his friends and neighbors.

On July 15, 1977, by virtue of the authority in me vested, do hereby restore to Alfred C. Boileau all civil rights and privileges forfeited by reason of his conviction.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

MESSAGE FROM THE GOVERNOR  
REGARDING RONNIE JOE NICHOLS

Office of the Governor, February 27, 1979.

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

LADIES AND GENTLEMEN:

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

On the 18th day of March, 1966, Ronnie Joe Nichols was sentenced by the Superior Court for the State of Washington in and for the County of King under Cause Number 43320 to the term of life imprisonment for the felony offense of Murder in the First Degree.

Ronnie Joe Nichols has now served in excess of eleven years continuously confined within Washington State correctional institutions where his conduct has been outstanding. Because of the statutory minimum sentence provided in RCW 9.95, additional incarceration will be required before he will be eligible for parole pursuant to the authority of the Washington State Board of Prison Terms and Paroles.

The superintendent of the Washington State Penitentiary has recommended on several occasions that further incarceration is unnecessary for Ronnie Joe Nichols and the Board of Prison Terms and Paroles has reviewed the recommendation of the superintendent several times in the past. The Board now recommends commutation of the life sentence of Ronnie Joe Nichols.

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

On May 16, 1978, by virtue of the authority vested in me by the laws of the State of Washington, do hereby commute the life sentence of Ronnie Joe Nichols and authorize the Board of Prison Terms and Paroles to parole Ronnie Joe Nichols subject to the complete control, supervision and authority of said Board, which authority shall include any and all action deemed appropriate by the Board, including the authority to revoke the parole and return Ronnie Joe Nichols to imprisonment.

Respectfully submitted,  
DIXY LEE RAY  
Governor.

**MESSAGE FROM THE GOVERNOR  
REGARDING HEINZE JAGER**

Office of the Governor, March 1, 1979.

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

**LADIES AND GENTLEMEN:**

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation, or pardon which has been granted since the adjournment of the First Extraordinary Session of the Forty-Fifth Regular Session of the Legislature. The following order was signed by me on April 25, 1978.

**ORDER RELEASING HEINZE JAGER  
TO THE CUSTODY OF THE SWISS GOVERNMENT  
FOR COMPLETION OF SENTENCE**

Whereas, Heinz Jager is a Swiss National who was sentenced on January 7, 1977 to life imprisonment following his conviction for First Degree Murder in King County Superior Court and such sentence carries a mandatory imprisonment of twenty consecutive years less earned good time (for a total period of incarceration of thirteen years and four months) and may not be released until paroled by the Washington State Board of Prison Terms and Paroles; and

Mr. Jager suffers from a severe mental illness for which there are inadequate treatment facilities at the Washington State Penitentiary at Walla Walla, Washington, where Mr. Jager is currently incarcerated; and

Psychiatrists and mental health professionals at the penitentiary have concluded that Mr. Jager should be released to the Swiss authorities who are willing and able to treat his mental illnesses and ensure the public's safety by continuing Mr. Jager's confinement; and

The United States Department of Justice, Immigration and Naturalization Service, has entered an order deporting Mr. Jager to Switzerland, which is to take effect upon his release from Washington custody; and

Based on the foregoing, it would appear to be in the best interests of the State of Washington and of the defendant, Heinze Jager, that he be released from the custody of the State of Washington and deported to Switzerland, there to finish serving the life sentence imposed upon him by this state, and not be released from custody prior to the mandatory stipulation of his life sentence, which will be completed on May 6, 1990 if his good time credits are certified.

On April 25, 1978, by virtue of the authority vested in me by the laws of the State of Washington, I do hereby order that Heinze Jager be released to the appropriate United States Government authorities, as soon as reasonably possible, for his deportation to Switzerland, on condition that the Swiss Government requires him to complete the life sentence, with its twenty year mandatory minimum thirteen years and four months counting good time, not before May 6, 1990, as imposed by the State of Washington, subject to the following condition that if Mr. Jager ever returns to the State of Washington he shall immediately be subject to confinement for completion of the judgment and sentence imposed upon him.

The foregoing report is respectfully submitted this first day of March, 1979.

DIXY LEE RAY  
Governor.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2021,  
SENATE BILL NO. 2026,  
SENATE BILL NO. 2068,  
SENATE BILL NO. 2101,  
SENATE BILL NO. 2124,  
SENATE BILL NO. 2136,  
SENATE BILL NO. 2180,  
SUBSTITUTE SENATE BILL NO. 2274,  
SENATE BILL NO. 2305,  
SUBSTITUTE SENATE BILL NO. 2376.

#### MOTION

At 11:30 a.m., on motion of Senator Marsh, the Senate recessed until 12:00 noon.

#### NOON SESSION

The President called the Senate to order at 12:00 noon.

#### MOTION

At 12:02 p.m., on motion of Senator Marsh, 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 Marsh, the Senate advanced to the seventh order of business.

On motion of Senator Marsh, the Senate commenced consideration of Second Substitute House Bill No. 204.

## THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 204, by Committee on State Government (originally sponsored by Representatives Becker, Struthers, D. Nelson, Mitchell, Houchen, Rohrbach and Addison) (by Governor Ray request):

Establishing a criminal justice division and council in the governor's office.

## MOTIONS

On motion of Senator Rasmussen, the rules were suspended and Second Substitute House Bill No. 204 was returned to second reading.

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

On page 2, line 2, after "the" insert "legislature and the"

On page 2, line 5, after "the" insert "legislature and the"

On page 2, line 7, add new subsection (3) as follows, and renumber the remaining subsections accordingly:

"(3) To assist the legislature and the governor in the development of state policies for criminal justice administration."

On page 3, line 13, after "the" insert "legislature and the"

On page 3, line 28, add new subsections (7) and (8) as follows and renumber remaining subsections accordingly:

"(7) To review and comment upon local and regional government plans for criminal justice capital improvements and program operations, and to identify inconsistencies and conflicts among state and local government agency plans and budgets.

(8) To analyze specific criminal justice issues, conduct special studies, and evaluate criminal justice programs implemented within the state."

## MOTIONS

On motion of Senator Wilson, Senator Donohue was excused.

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute House Bill No. 204, 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. 204, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Keefe, Matson—3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 204, as amended by the Senate, having received the 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, Substitute House Bill No. 749 will be considered following Senate Bill No. 2502.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2502.

## SECOND READING

SENATE BILL NO. 2502, by Senators Conner, Day and Rasmussen (by Department of Veterans Affairs request):

Providing free license plates of a distinctive design for Medal of Honor winners.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2502 was advanced to third reading, the second 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. 2502 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SENATE BILL NO. 2502, having received the constitutional majority, 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. 749, by Committee on Transportation (originally sponsored by Representatives McCormick, Bond, Gallagher, Martinis and McGinnis) (by Department of Transportation request):

Providing for issuance of refunding bonds in exchange for outstanding Spokane river toll bridge revenue bonds held by certain retirement systems.

The bill was read the second time by sections.

Senator Guess moved adoption of the following amendment by Senators Guess, Day and Lewis:

On page 1, line 19 after "bridge" insert ", to be known and designated as the James E. Keefe bridge,".

## MOTION

On motion of Senator Walgren, Substitute House Bill No. 749, together with the pending amendment by Senators Guess, Day and Lewis, was ordered held on the second reading calendar for Wednesday, March 7, 1979.

## SECOND READING

SENATE BILL NO. 2204, by Senators Woody, Odegaard, Conner, Peterson, Newschwander, von Reichbauer and Talley:

Modifying the provisions for free hunting and fishing licenses.

## REPORT OF STANDING COMMITTEE

February 8, 1979.

SENATE BILL NO. 2204, modifying the provisions for free hunting and fishing licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 31, after "blind" insert "and has been a resident for one year, upon making an affidavit to such effect".

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Odegaard, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendment was adopted.

Senator Lee moved the following amendments by Senators Lee, Jones, Matson, Benitz, Scott and Gallagher be considered and adopted simultaneously:

On page 2, line 23, strike "shall" and insert "may"

On page 2, line 30, strike "shall" and insert "may"

On page 2, line 31, strike "shall" and insert "may"

Debate ensued.

On motion of Senator Peterson, the amendments were laid upon the table.

Senator Lee moved adoption of the following amendment by Senators Lee, Jones, Matson, Benitz, Scott and Gallagher:

On page 3, after line 2, insert the following new language:

"The Department of Game shall not issue free hunting or fishing licenses to any person if the department has received an appropriation from the state general fund for operating expenses of the department."

Debate ensued.

## POINT OF INQUIRY

Senator Talley: "Senator Lee, under the present law we give them at seventy. I think under this amendment here we would even take it away from them at seventy, wouldn't we?"

Senator Lee: "We are talking about how the department, in fact, should be financed and as long as they can be financed out of various fees they can give away as many as they wish to. But, if we are going to be financing them out of the general taxation revenues of the state of Washington I think we need to think for the second time. We also have to remember that the amount for a license is seven dollars and its is very doubtful to me that if a person cannot afford seven dollars for a license that they could afford the gear and so on to even be able to go fishing or the ability to get to the fishing hole in the first place."

Senator Talley: "Well, that was not my question. I say that the law now at the age of seventy they get a free fishing license. Under this amendment it would take it away from them, too."

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

The President declared the question before the Senate to be the roll call on the amendment by Senators Lee, Jones, Matson, Benitz, Scott and Gallagher.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 7; nays, 39; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Gould, Jones, Lee, North, Scott—7.

Voting nay: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Absent or not voting: Senator Quigg—1.

Excused: Senators Keefe, Matson—2.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2204 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2204 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Benitz, Bluechel, Gould, Jones, Lee, Lysen, North, Scott—8.

Excused: Senators Keefe, Matson—2.

ENGROSSED SENATE BILL NO. 2204, having received the constitutional majority, 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. 2462, by Senators Rasmussen, Clarke and Wojahn (by State Treasurer request):

Extending the authorized types of investments for state funds.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2462 was advanced to third reading, the second 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. 2462 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SENATE BILL NO. 2462, having received the constitutional majority, was declared passed. 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, the Senate returned to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 113, by Senators Walgren, Odegaard, Newschwander and Matson:

Amending SCR 102.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 113 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 113 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Newschwander: "Senator Walgren, has this been changed from the wording we saw this morning?"

Senator Walgren: "Yes, Senator Newschwander, it has been changed to the extent of adding 'sunset legislation' and I believe the word 'collective bargaining' and two other words 'budget' and 'budget-related bills'."

Senator Newschwander: "Can you give us about thirty seconds so that we can read the thing and make sure now?"

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, this concurrent resolution is an amendment to our original cutoff resolution which was adopted on the first day of the session.

"As you know, when we adopted that particular resolution we were aiming for a sixty day session that, of course, would require the passage of the budget. We know that traditionally the budget starts this year in the House of Representatives. The indications that we have is that the House will not be able to furnish us with a budget in time for the completion of this sixty day session. As we had contemplated, we thought that this last week we could be concentrating on those matters that relate specifically to the budget and to the finances that are required for final action on that budget. Such is not the case. Consequently it would seem that the most appropriate thing would be to open up our resolution and let us consider some of the other important measures that we have not yet had an opportunity of acting upon. So this resolution is drafted in that regard. Certainly, it does not cover the full gamut of legislation that we might consider and we probably will not be able to consider everything that is in this additional resolution. But, it will permit us to so act and be able to concentrate these next two days of the regular session on some very important pieces of legislation and I urge the adoption."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President. We certainly concur in the idea that the Senate and, in fact, the whole legislature should utilize its time to the best advantage toward the passing of meaningful legislation. And, for that reason we are not going to oppose this particular resolution. We cannot, however, but comment upon the fact that it is the opinion of many of us on this side that there was ample time to have considered these matters and that when comparison is made as to the time previously spent and the results of the time previously spent to expect that in the last two or three days we would have the opportunity of considering and actually enacting matters which are of substance and which, quite frankly, we think should have been taken care of at a much earlier date in the session. We still adhere to the philosophy that we should have been able to handle these things within the sixty day period and we also adhere to the philosophy that there should be, we should get

some House action upon our proposed constitutional amendment which would, in effect, give us the certainty which we need as to the time which should be available to handle all of these very important legislative matters."

#### POINT OF INQUIRY

Senator Morrison: "Senator Walgren, has the House been involved in the preparation of this resolution?"

Senator Walgren: "Not to my knowledge, no, Senator Morrison."

Senator Morrison: "Is there any way, Senator Walgren, that we can keep them busy on the budget so that we can handle these major matters that are before them that you describe?"

Senator Walgren: "Well, Senator Morrison, I think that the House is trying in its own infinite way to try and get a budget over to us and I think that we all acknowledge that that is not going to be possible. It just seems very simple to me that we ought to be working out here on some other legislation. I think there is a good likelihood that the House might very well adopt this concurrent resolution. I hope that they do. And, I hope that they are as diligent as the Senate has been.

"I might say that Senator Clarke's remarks in some regard are certainly well taken. I would not think they are well taken with regard to the action that we have presented here in the Senate because I am sure he knows, and the other members of your side of the aisle are well aware of the rather significant pieces of legislation that we have passed, during this session of the Legislature. We do know, however, that a good bit of the legislation that we have worked upon, the good legislation that we have worked upon is now over in the House of Representatives where it is languishing and we hope that by this resolution here that we can . . . I am glad that one of the co-speakers is here with his lieutenant to hear these remarks, because it is true that it is languishing for one reason or another and we are hopeful that this particular concurrent resolution will do something to spur further action on Senate measures, as we have worked diligently on the House measures."

Senator Morrison: "Senator Walgren, one further question: What happens technically if, in fact, the House does not concur in this resolution?"

Senator Walgren: "Well, I suspect that the bills that we worked upon here to go over to the House will be sent back to us and we will have an opportunity for considering them again, but perhaps not at the length that will consider them now."

#### POINT OF INQUIRY

Senator Gould: "Senator Walgren, this morning when I first heard about this I understood the basic education amendments were going to be considerations. I do not see them on the resolution, was that on purpose, or . . .?"

Senator Walgren: "I think the conclusion was that the basic education amendments would take a considerable amount of debate out here on the floor. We do not have enough time to do that during the sixty-day period. We have, as you well know, considered them very seriously in both the education committee and in the ways and means committee. But, to take the remaining two days and concentrate totally upon basic education in my opinion would be an error. I think that it is the opinion of the people that worked on this particular resolution also."

The President declared the question before the Senate to be adoption of Senate Concurrent Resolution No. 113.

The resolution was adopted.

## MOTION

At 2:30 p.m., on motion of Senator Walgren, the Senate recessed until 3:00 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

The President declared the Senate to be at ease subject to the Call of the President.

The President called the Senate to order at 3:35 p.m.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2066,  
SENATE BILL NO. 2067,  
SENATE BILL NO. 2094,  
SENATE BILL NO. 2102,  
SUBSTITUTE SENATE BILL NO. 2117,  
SUBSTITUTE SENATE BILL NO. 2118,  
SENATE BILL NO. 2121,  
SUBSTITUTE SENATE BILL NO. 2141,  
SENATE BILL NO. 2147,  
SENATE BILL NO. 2155,  
SENATE BILL NO. 2179,  
SENATE BILL NO. 2256,  
SUBSTITUTE SENATE BILL NO. 2265,  
SENATE BILL NO. 2277,  
SUBSTITUTE SENATE BILL NO. 2291,  
SUBSTITUTE SENATE BILL NO. 2304,  
SENATE BILL NO. 2321,  
SENATE BILL NO. 2355,  
SENATE BILL NO. 2479,  
SENATE BILL NO. 2562,  
SUBSTITUTE SENATE BILL NO. 3100.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2077,  
SENATE BILL NO. 2138,  
SUBSTITUTE SENATE BILL NO. 2149,  
SENATE BILL NO. 2159,  
SENATE BILL NO. 2403,  
SENATE BILL NO. 2406,  
SENATE BILL NO. 2511,  
SENATE BILL NO. 2569.

## MOTION

At 3:42 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, March 7, 1979.

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

## FIFTY-NINTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 7, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Gould, Keefe and Quigg. On motion of Senator Wilson, Senators Fleming and Keefe were excused. On motion of Senator Jones, Senators Gould and Quigg were excused.

The Color Guard, consisting of Pages Allison Hicks and Tracy Jolly, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"IN THE CRUNCH OF TOO MUCH TO DO AND TOO LITTLE TIME TO DO IT, I HAVE A PRAYER BY JOHN HUNTER THAT IS A FAVORITE OF MINE. LET ME SHARE IT SO THAT PERHAPS IT MAY BECOME YOURS TODAY ALSO. LET US PRAY:

'DEAR MASTER, IN WHOSE LIFE I SEE  
ALL THAT I WOULD, BUT FAIL TO BE;  
LET THY CLEAR LIGHT FOREVER SHINE,  
TO SHAME AND GUIDE THIS LIFE OF MINE.  
THOUGH WHAT I DREAM AND WHAT I DO  
IN MY WEAK DAYS ARE ALWAYS TWO,  
HELP ME, OPPRESSED BY THINGS UNDONE,  
O THOU, WHOSE DEEDS AND DREAMS WERE ONE.'  
AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 6, 1979.

SENATE BILL NO. 2420, prohibiting certain terms in employment agreements relating to inventions by employees (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2420 be substituted therefor, and that Substitute Senate Bill No. 2420 do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

March 6, 1979.

SUBSTITUTE SENATE BILL NO. 2708, relating to education (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2708 be substituted therefor, and that Substitute Senate Bill No. 2708 do pass.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of gubernatorial appointments.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS  
MOTION

On motion of Senator Wilson, the appointment of Ernest J. Aguilar, as a member of the Washington State Jail Commission was confirmed.

APPOINTMENT OF ERNEST J. AGUILAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Gould, Keefe, Quigg—4.

MOTION

On motion of Senator Wilson, the appointment of Saul Arrington as a member of the Washington State Jail Commission was confirmed.

APPOINTMENT OF SAUL ARRINGTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Gould, Keefe, Quigg—4.

MOTION

On motion of Senator Wilson, the appointment of Mrs. Ruby Chow, as a member of the Washington State Jail Commission was confirmed.

APPOINTMENT OF MRS. RUBY CHOW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Keefe, Quigg—3.

#### MOTION

On motion of Senator Wilson, the appointment of C. J. Johnson as a member of the Washington State Jail Commission was confirmed.

#### APPOINTMENT OF C. J. JOHNSON

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

#### MOTION

On motion of Senator Wilson, the appointment of James L. Young as a member of the Washington State Jail Commission was confirmed.

#### APPOINTMENT OF JAMES L. YOUNG

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

#### MOTION

On motion of Senator Wilson, the appointment of Mayor Stanley P. Kersey as a member of the Washington State Jail Commission was confirmed.

#### APPOINTMENT OF MAYOR STANLEY P. KERSEY

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

#### MOTION

On motion of Senator Wilson, the appointment of Franklin F. Cline as a member of the Washington State Jail Commission was confirmed.

## APPOINTMENT OF FRANKLIN F. CLINE

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

## MOTION

On motion of Senator Wilson, the appointment of Paul A. Klasen as a member of the Washington State Jail Commission was confirmed.

## APPOINTMENT OF PAUL A. KLASEN

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

## MOTION

On motion of Senator Wilson, the appointment of Larry V. Erickson as a member of the Washington State Jail Commission was confirmed.

## APPOINTMENT OF LARRY V. ERICKSON

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

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 749.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 749, by Committee on Transportation (originally sponsored by Representatives McCormick, Bond, Gallagher, Martinis and McGinnis) (by Department of Transportation request):

Providing for issuance of refunding bonds in exchange for outstanding Spokane river toll bridge revenue bonds held by certain retirement systems.

The Senate resumed consideration of Substitute House Bill No. 749 on second reading and the amendment moved for adoption by Senators Guess, Day and Lewis on Tuesday, March 6, 1979.

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

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

On page 3, line 21, strike "vehicles" and insert "vehicle".

On motion of Senator Guess, the rules were suspended, Substitute House Bill No. 749, 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. 749, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Lee, Matson, North, Pullen—4.

Excused: Senators Keefe, Quigg—2.

SUBSTITUTE HOUSE BILL NO. 749, as amended by the Senate, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2388.

### SECOND READING

SENATE BILL NO. 2388, by Senators Newschwander, Bausch and Odegaard: Modifying the privilege fees on certain producers of food fish.

### MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2388 was substituted for Senate Bill No. 2388 and the substitute bill was placed on second reading and read the second time in full.

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

On page 2, line 17, after the period, strike the balance of the bill.

### POINT OF INQUIRY

Senator Talley: "Senator Newschwander, now we have some so-called fish farmers operating off our coast now and in our San Juan waters that raise fish. Now they have been heavily taxed when they buy eggs and raise the fish and fry. There is no way, what does this do to them?"

Senator Newschwander: "On the original bill, we can talk to that in the original bill, but the aquaculture is the reason for the bill. We are giving them relief on

the five percent in the bill, but this amendment has no effect where they are concerned."

Senator Talley: "They still get relief in the five percent?"

Senator Newschwander: "They will if you pass the first section of this bill."

Senator Talley: "Thank you."

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

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 2388 was advanced to third reading, the second 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. 2388, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2388, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Engrossed House Bill No. 86.

### SECOND READING

ENGROSSED HOUSE BILL NO. 86, by Representatives Eng, Lux, Barr and Winsley:

Regulating debt adjusters.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Engrossed House Bill No. 86 was advanced to third reading, the second 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. 86, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Quigg—2.

ENGROSSED HOUSE BILL NO. 86, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, all measures passed by the Senate today were ordered immediately transmitted to the House.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2045,  
 SENATE BILL NO. 2069,  
 SENATE BILL NO. 2078,  
 SUBSTITUTE SENATE BILL NO. 2184,  
 SENATE BILL NO. 2206,  
 SUBSTITUTE SENATE BILL NO. 2226,  
 SUBSTITUTE SENATE BILL NO. 2255,  
 SUBSTITUTE SENATE BILL NO. 2310,  
 SUBSTITUTE SENATE BILL NO. 2393.

## MOTION

At 10:53 a.m., on motion of Senator Marsh, 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 Walgren, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 874.

## SECOND READING

HOUSE BILL NO. 874, by Representatives Owen, Schmitten and Vrooman: Revising laws relating to the forest fire advisory board.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, House Bill No. 874 was advanced to third reading, the second 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. 874, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2399.

### SECOND READING

SENATE BILL NO. 2399, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

Modifying state reimbursement for care of county prisoners.

The bill was read the second time by sections.

On motion of Senator Wilson, the following amendment by Senators Donohue and Walgren was adopted:

On page 2, after line 2, insert the following:

\*Sec. 2. Section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070 are each amended to read as follows:

All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: PROVIDED, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the commission for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to RCW 70.48.050(1)(a), shall be proposed by the commission to the legislature no later than December 31, 1978. (~~If the legislature fails to adopt or modify such standards by April 1, 1979, they shall take effect on July 1, 1979 without legislative approval and shall be complied with no later than October 1, 1979. Subsequent~~) Standards shall be prescribed by the commission and submitted to the (~~legislative budget committee for review. If the legislative budget committee disapproves such standards, they shall not have effect~~) legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose;

(2) The physical plant standards (~~which are adopted and approved pursuant to RCW 70.48.050(5)~~) shall be prescribed by the commission and submitted to the legislature and governor for approval. Such standards shall be adopted by the commission pursuant to chapter 34.04 RCW upon approval by the governor and upon approval by the legislature by concurrent resolution if the legislature is in session. If the legislature is not in session legislative approval may be given by a joint committee established by resolution for such purpose. The physical plant standards shall not be mandatory unless, pursuant to the provisions of RCW 70.48.110, the state fully funds the cost of implementing such standards for detention and correctional facilities: PROVIDED, That, such funds shall be subject to biennial appropriation: PROVIDED FURTHER, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: PROVIDED FURTHER, That those provisions of RCW 70.48.060 and 70.48.110 requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial

remodeling or construction of jails after February 16, 1974, and before June 23, 1977. Approval in such cases may be given retroactively.

**NEW SECTION.** Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Wilson, the following amendments to the title by Senators Donohue and Walgren were considered and adopted simultaneously:

On page 1, line 1 of the title, after ";" and before "and" insert "amending section 7, chapter 316, Laws of 1977 ex. sess. and RCW 70.48.070;"

On page 1, line 1 of the title, after "prisoners;" strike "and" and on line 2, after "RCW 72.64.110" and before "." insert "; and declaring an emergency".

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2399 was advanced to third reading, the second 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. 2399, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Wilson, Engrossed Substitute Senate Bill No. 2399 was immediately transmitted to the House.

### SECOND READING

SENATE BILL NO. 2224, by Senators Conner, Gaspard, Rasmussen, Talley, Quigg, Walgren, Van Hollebeke, Moore, Peterson, Odegaard, Goltz, Wilson, Bausch, Vognild, Benitz, Wojahn, Talmadge and Morrison:

Establishing a schedule of early retirement pensions for volunteer firemen.

The bill was read the second time by sections.

On motion of Senator Conner, the rules were suspended, Senate Bill No. 2224 was advanced to third reading, the second 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. 2224, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2317.

### SECOND READING

SENATE BILL NO. 2317, by Senators Ridder, Lysen and McDermott:

Revising the law relating to reduction in workers' compensation based on receipt of federal benefits.

### MOTION

On motion of Senator Lysen, Substitute Senate Bill No. 2317 was substituted for Senate Bill No. 2317 and the substitute bill was placed on second reading and read the second time in full.

Senator Morrison moved adoption of the following amendment:

On page 2, line 8, after "occurred" insert

": PROVIDED FURTHER, That upon determining that there has been an overpayment, the department or self-insurer shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to this act"

### POINT OF INQUIRY

Senator Quigg: "Senator Morrison, as you know there has been quite a number of cases where people have had this dual benefits paid. Will this affect these cases in their resolution or will this take effect on any new cases that develop after this, should this bill become law?"

Senator Morrison: "The amendment will have no effect on existing cases. However, the bill, as I understand it, will. A number of those are in court and they are being questioned. In fact the department has held up on a number of them and if I recall the testimony in labor committee that, in fact, they will now look at these and modify the repayment requirements for persons currently under the gun."

### POINT OF INQUIRY

Senator Lysen: "Senator Morrison, we have discussed this I think after the bill came out of committee a little bit. When you say 'immediately', would that mean with, say within a month, or what would be a reasonable period of time? If that were the case that would seem reasonable and I would have no objection to this."

Senator Morrison: "We did not specify a certain time, there is usually a certain amount of administrative lag. I think we wanted to include this amendment, Senator Lysen, just to make sure the department knew that as soon as they knew that there may be an overpayment that they should notify the worker right away. I really think it is only fair that if a person may have to repay part of a check that he has gotten, that, in fact, he should know as quickly as is possible within the general grind into the bureaucracy."

Senator Lysen: "So, you say one month would be reasonable?"

Senator Morrison: "That would be fine."

Debate ensued.

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

On motion of Senator Lysen, the rules were suspended, Engrossed Substitute Senate Bill No. 2317 was advanced to third reading, the second 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. 2317, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 612.

### SECOND READING

ENGROSSED HOUSE BILL NO. 612, by Representatives King, Sanders, Pruitt, Lux, Monohon, Scott, Nisbet, Clayton, Williams, Jovanovich, Owen, Thompson, Haley, Dunlap, Vrooman, Nelson (D), Addison, McGinnis, Burns, Bauer, Mitchell, Winsley and Isaacson:

Increasing workmen's compensation for permanent partial disabilities.

The bill was read the second time by sections.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Morrison:

On page 4, line 22, after "dollars:" insert:

"PROVIDED FURTHER, That no more than 120 days shall elapse from the date of department referral for permanent partial disability rating and claim closure:"

### POINT OF ORDER

Senator Lysen: "Mr. President, I would like to raise a question of scope and object on this amendment.

"House Bill 612 deals only with the limitation on the payments workers' compensation benefits, which is required in RCW 51.32.210, which requires that all the time loss payments begin within fourteen days of the date. This is the only section of the code setting time limits on benefits and it is not included in House Bill 612. House Bill 612 deals with permanent partial disability benefits and not administrative procedures on the payment of these benefits. Therefore, it is outside the scope and object of this bill."

Debate ensued.

On motion of Senator Marsh, Engrossed House Bill No. 612, together with the pending amendment by Senators McDermott and Morrison and the Point of Order by Senator Lysen, was ordered held following consideration of Substitute House Bill No. 92.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 92.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 92, by Committee on Labor (originally sponsored by Representatives Bond, Whiteside, C. P. Smith, Sprague, Taylor, Winsley, Rosbach, McGinnis, Fancher, Sanders, Schmitt, Craswell, Fuller, Newhouse, Polk, Zimmerman, Rohrbach, Barr, Clayton, McCormick, Flanagan, Hurley, Nisbet, Struthers, Amen, Tilly and Patterson:

Allowing corporate employees to withdraw from industrial insurance eligibility.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 92, allowing corporate employees to withdraw from industrial insurance eligibility (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25, strike subsection (6) and insert the following:

~~(( (6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.))~~

Renumber the remaining subsections accordingly.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

The bill was read the second time by sections.

Senator Lysen moved adoption of the committee amendment.

### POINT OF ORDER

Senator Bottiger: "Mr. President, I sympathize with the problem Senator Lysen has illustrated, but again I would raise a point of order on scope and object. The object of this bill was to allow a group to withdraw. The committee amendment forces a group in. It is clearly exactly the opposite of the scope of the bill as originally presented to the committee and I would raise a point of order."

Debate ensued.

The President declared the Senate to be at ease.

The President called the Senate to order.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bottiger, the President finds that Substitute House Bill 92 is a measure which has a

purpose the exclusion of corporate officers from mandatory industrial insurance coverage.

"The amendment proposed by the Senate Committee on Labor has as its sole purpose the inclusion of certain previously excluded agricultural workers within the industrial insurance system.

"The President therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The committee amendment was ruled out of order.

On motion of Senator Lysen, the rules were suspended, Substitute House Bill No. 92 was advanced to third reading, the second 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. 92, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 92, having received the constitutional majority, 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. 612, by Representatives King, Sanders, Pruitt, Lux, Monohon, Scott, Nisbet, Clayton, Williams, Jovanovich, Owen, Thompson, Haley, Dunlap, Vrooman, Nelson (D.), Addison, McGinnis, Burns, Bauer, Mitchell, Winsley and Isaacson:

Increasing workmen's compensation for permanent partial disabilities.

The Senate resumed consideration of Engrossed House Bill No. 612, the following amendment by Senators McDermott and Morrison and the Point of Order raised by Senator Lysen.:

The Senate resumed consideration of Engrossed House Bill No. 612, the following amendment by Senators McDermott and Morrison and the Point of Order raised by Senator Lysen.:

On page 4, line 22, after "dollars:" insert:

"PROVIDED FURTHER, That no more than 120 days shall elapse from the date of department referral for permanent partial disability rating and claim closure:"

### RULING BY THE PRESIDENT

The President: "In ruling upon the point of order raised by Senator Lysen, the President finds that Engrossed House Bill No. 612 is a measure which has as its sole purpose the adjustment of permanent partial disability benefit levels.

"The amendment proposed by Senators McDermott and Morrison, deals with administrative procedures relating to such benefits.

"The President therefore finds that the amendment expands the scope and object of the bill and the point of order is well taken."

The amendment was ruled out of order.

On motion of Senator Woody, there being no objection, the amendments to page 5, lines 13, 19, 23 on the desk of the Secretary of the Senate were withdrawn.

On motion of Senator Lysen, the rules were suspended, Engrossed House Bill No. 612 was advanced to third reading, the second 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 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Benitz, Bluechel, Guess, Hayner, Jones, Wanamaker—6.

Absent or not voting: Senator Donohue—1.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

Senator Marsh moved the Senate now commence consideration of Senate Bill No. 2402.

On motion of Senator Marsh, Senate Bill No. 2402 will be considered later.

On motion of Senator Marsh, the Senate returned to the first order of business.

### REPORT OF STANDING COMMITTEE

March 6, 1979.

SENATE BILL NO. 2162, raising the minimum limits of financial responsibility for motor vehicle accidents (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

### MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2162 was advanced to second reading and placed on the second reading calendar for today.

### SECOND READING

SENATE BILL NO. 2402, by Senators McDermott, Lysen, Woody and Talley:

Providing for annual adjustments for disability and death benefits under the industrial insurance act.

The bill was read the second time by sections.

Senator Morrison moved adoption of the following amendment:

On page 1 beginning on line 10 strike the entire act through page 2, line 13 and insert:

"(~~Effective July 1 of each year,~~) The compensation or death benefits payable pursuant to the provisions of this chapter (~~(:)~~) for temporary total disability, permanent total disability, or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) On July 1, 1979, there shall be an adjustment for those whose right to compensation was established on or after July 1, 1971, and before July 1, (~~1975, an initial~~) 1979. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable on (~~September 24, 1977~~) July 1, 1979.

(2) In addition to the adjustment established by subsection (1) of this section, there shall be another adjustment on July 1, 1980, for those whose right to compensation was established on or after July 1, (~~1975~~) 1971, and before July 1, (~~1977, an initial adjustment~~) 1980, which shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable on (~~September 21, 1977~~) July 1, 1980."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senator Morrison.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 22; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Scott, Sellar, Talley, Wanamaker, Woody—25.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Henry, Lysen, McDermott, Peterson, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn—22.

Absent or not voting: Senator Donohue—1.

Excused: Senator Keefe—1.

#### MOTION

Senator Lysen moved that Senate Bill No. 2402, as amended, be rereferred to the Committee on Labor.

Debate ensued.

The motion by Senator Lysen failed on a rising vote.

#### MOTION

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2402 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Lysen: "Does this require a two-thirds?"

## REPLY BY THE PRESIDENT

President Cherberg: "After the fiftieth day, Senator Lysen, only a majority is required."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2402, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senators Benitz, Bluechel, Conner, Fleming, Guess, Matson, Newschwander, Talmadge—8.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2333.

## SECOND READING

SENATE BILL NO. 2333, by Senators Hansen, Clarke, Hayner, Talley, Bausch and Bluechel:

Modifying tort and product liability law.

## MOTION

On motion of Senator Bottiger, the substitute bill was not substituted for the original bill.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. (1) In an action based on fault seeking to recover damages for injury or death to person or harm to property, any contributory fault chargeable to the claimant diminishes proportionately the amount awarded as compensatory damages for an injury attributable to the claimant's contributory fault, but does not bar recovery. This rule applies whether or not under prior law the claimant's contributory fault constituted a defense or was disregarded under applicable legal doctrines, such as last clear chance.

(2) "Fault" includes acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others, or that subject a person to strict tort liability. The term also includes breach of warranty, unreasonable assumption of risk not constituting an enforceable express consent, misuse of a product for which the defendant otherwise would be liable, and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

**NEW SECTION.** Sec. 2. (1) In all actions involving fault of more than one party to the action, including third-party defendants, persons released by the claimant, persons immune from liability to the claimant and persons with any other individual defense against the claimant, the court, unless otherwise agreed by all parties, shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, indicating:

(a) The amount of damages each claimant would be entitled to recover if contributory fault is disregarded; and

(b) The percentage of the total fault of all of the parties to each claim that is allocated to each claimant, defendant, third-party defendant, persons released by the claimant, persons immune from liability to the claimant, and persons with any other individual defense against the claimant.

(2) In determining the percentages of fault, the trier of fact shall consider both the nature of the conduct of each party at fault and the extent of the causal relation between the conduct and the damages claimed.

(3) The court shall determine the award of damages to each claimant in accordance with the findings and enter judgment against each party liable in the amount of the equitable share of damages allocated against that party. The equitable share of each party is calculated by multiplying the party's percentage of fault determined in subsection (1)(b) of this section times the amount of damages determined in subsection (1)(a) of this section. Each party liable shall only be responsible for payment of that party's equitable share, except as provided in subsections (4) and (5) of this section.

(4) Except as otherwise provided in subsection (5) of this section, a party shall be responsible for the fault of another person or for payment of the equitable share of another party liable only where both were acting in concert or in a relationship justifying imposition of vicarious liability or where provided by statute. In a product liability action, a manufacturer shall be responsible for any fault attributable to its component suppliers; but a retailer, wholesaler, distributor, or other seller shall not be responsible for the fault of a manufacturer unless:

(a) The retailer, wholesaler, distributor or other seller exercised control or substantial influence over the product design, manufacture, warnings, or instructions alleged to be defective; or

(b) The retailer, wholesaler, distributor or other seller upon request refuses to disclose a prior seller in the chain of distribution from which the product was obtained; or

(c) Personal jurisdiction cannot be obtained over any known prior seller in the chain of distribution.

(5) Upon motion made not later than one year after judgment is entered, the court shall determine whether all or part of the equitable share of a party liable is uncollectible by reason of insolvency and shall reallocate the uncollectible amount among all other parties who were allocated a percentage of fault under subsection (1)(b) of this section, including a claimant at fault, according to their respective percentages of fault. The party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.

(6) Any person whose fault was a cause of the claimant's damage may be joined as a party to the action for the purpose of assessing that person's percentage of fault. The fault of a person released by the claimant, a person immune from liability to the claimant, or a person with any other individual defense against the claimant shall not be allocated under subsection (1)(b) of this section unless such person is made a party to the action pursuant to the joinder procedure of this subsection.

**NEW SECTION.** Sec. 3. A claim and counterclaim shall be set off, and only the difference between them is recoverable in the judgment. However, if either or

both of the claims are covered by liability insurance and an insurance carrier's liability under its policy is reduced by reason of the set-off, the insured is entitled to recover from the carrier the amount of the reduction. Amounts so recovered shall be credited against pertinent liability policy limits. For purposes of uninsured-motorist and similar coverages, the amounts so recovered shall be treated as payment of those amounts to the insured by the party liable. In the event of a set-off, the court shall equitably award costs, if any, among all parties to the lawsuit.

**NEW SECTION.** Sec. 4. (1) A party liable shall have a right to contribution, including a right to full indemnity, from any person whose fault caused claimant's damage if that person was not allocated a percentage of fault under section 2(1)(b) of this act or if the party liable was responsible for that person's fault under section 2(4) of this act or for payment of a reallocated portion of that person's equitable share under section 2(5) of this act. The right to contribution, including the right to full indemnity, may be enforced either in the original action or by a separate action brought for that purpose. The basis for contribution is each person's equitable share of the obligation, including the equitable share of a claimant at fault, as determined in accordance with the provisions of section 2 of this act.

(2) Contribution is available to a person who enters into a settlement with a claimant only if that person had a reasonable expectation of potential liability to the claimant, if the liability of the person against whom contribution is sought has been extinguished, and to the extent that the amount paid in settlement was reasonable.

**NEW SECTION.** Sec. 5. (1) If the equitable shares of the parties to a claim for contribution have been established pursuant to section 2 of this act, a party paying more than his equitable share of the obligation, upon motion, may recover judgment for contribution.

(2) If the equitable shares of the parties to the claim for contribution have not been established, contribution may be enforced in a separate action, whether or not a judgment has been rendered against either the person seeking contribution or the person from whom contribution is being sought.

(3) If a judgment has been rendered, the action for contribution shall be commenced within one year after the judgment becomes final. If no judgment has been rendered, the person bringing the action for contribution either shall have:

(a) Discharged by payment the liability within the period of the statute of limitations applicable to the claimant's right of action against him and commenced the action for contribution within one year after payment; or

(b) Agreed while action was pending to discharge the common liability and, within one year after the agreement, have paid the liability and commenced an action for contribution.

**NEW SECTION.** Sec. 6. A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable discharges that person from all liability for contribution, but the agreement does not discharge any other persons liable upon the same claim unless the agreement so provides.

**NEW SECTION.** Sec. 7. (1) For the purpose of this chapter, the following term shall have the meaning set forth in this section:

"Product liability action" means an action brought against the seller of a product by a person seeking to recover damages for injury or death to a person or harm to property caused by a defective condition of a product, including without limitation:

(a) Any defect in product design;

(b) Any defect in product manufacture, including inspection and testing;

(c) Any failure to warn regarding the product; or

(d) Any failure to properly instruct in the use of the product.

A product liability action includes all actions based upon negligence, breach of warranty, strict liability in tort, and any other substantive legal theory, except fraud, intentionally caused injury, or consumer protection under chapter 19.86 RCW.

(2) As used in this section, the term "seller" includes the manufacturer, wholesaler, distributor, or retailer of a product.

**NEW SECTION.** Sec. 8. In any product liability action, it is an affirmative defense that the product is not defective because:

(1) The product's design, warnings, and instructions were in conformance with the technology economically feasible and generally known or reasonably available at the time the product was manufactured; or

(2) The alternative design, manufacture, warnings, or instructions proposed by plaintiff to reduce or eliminate plaintiff's injury would increase other hazards so as to degrade overall product safety; or

(3) The damage was proximately caused by an alteration, modification, or misuse of the product which was not reasonably foreseeable by the defendant.

**NEW SECTION.** Sec. 9. In any product liability action the following rules of evidence apply:

(1) When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove fault in connection with the event. This rule does not require exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment; and

(2) Evidence of technology which became economically feasible and generally known or reasonably available only after the product was manufactured is inadmissible.

**NEW SECTION.** Sec. 10. Any duty on the part of a manufacturer or seller of a product to warn of a hazard which may arise in the use of the product shall not extend to:

(1) Warning of hazards which are patent or open and obvious; or

(2) Situations where safeguards and precautions would or should have been taken by a person similarly situated exercising reasonable care.

**NEW SECTION.** Sec. 11. There is added to chapter 4.16 RCW a new section to read as follows:

(1) In any product liability action, the plaintiff shall commence the action within three years of the time the injury is or in the exercise of reasonable diligence should have been discovered by the plaintiff, except that no product liability action may be commenced more than ten years after the manufacturer relinquished possession or control of the product or sold the product, whichever occurred later in time. Where the defendant has expressly warranted in writing that the product has a longer useful life, the action must be commenced within one year after the expiration of the longer period.

(2) Where the plaintiff's cause of action is based upon a legal duty to alter, repair, recall, inspect, or to issue warnings or instructions, or to otherwise take any action or precaution for the benefit of the injured party, which legal duty is based upon a contract, statute, administrative ruling, or court order specifically applicable to the product and arose after the defendant relinquished possession and control of the product or sold the product, whichever occurred later in time, the plaintiff shall commence the action within three years of the time the injury is or in the exercise of reasonable diligence should have been discovered by the plaintiff, except that no such action may be commenced more than six years after the defendant first came under the subsequent duty. The period in this subsection shall not act to bar any action brought within the time limited by subsection (1) of this section.

(3) If a person otherwise entitled to bring an action is, at the time the cause of action accrues, under a legal disability, as defined in RCW 4.16.190, the time of such disability shall not be a part of the time limited for commencement of action by subsections (1) and (2) of this section.

(4) The limitations set forth in subsection (1) of this section shall not apply to any product liability action based upon the use of any drug as defined in RCW 18.64.011 or the cumulative effects of exposure to radiation or a chemical.

**NEW SECTION.** Sec. 12. There is added to chapter 51.24 RCW a new section to read as follows:

In any action against a third person permitted under RCW 51.24.030, the amount of the department's or self-insurer's lien shall be equal to the amount by which the compensation or benefits actually paid exceed the total amount of the equitable shares of the employer, the injured worker, and others in the same employ as determined under section 2(3) of this act.

Sec. 13. Section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020 are each amended to read as follows:

If injury or death results to a worker from the deliberate intention of his or her employer to produce such injury or death, or if the employer, with wilful disregard of the safety of the employee, intentionally removes, permits to be removed or fails to install permanent safety features or devices recommended by the manufacturer who supplied the product, or required by law for the particular product, causing injury or death, the worker, surviving spouse, child, or dependent of the worker shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any excess of damages over the amount received or receivable under this title.

**NEW SECTION.** Sec. 14. In any action for damages against the state or a political subdivision thereof, or against its officers, agents, employees, or contractors, the following affirmative defenses shall be applicable, but nothing contained herein shall create any cause of action or be held or interpreted as altering or diminishing any other existing defenses:

(1) In any action involving the design of any portion or aspect of a highway, road, bridge, street, or sidewalk, it shall be an affirmative defense that such design was not in violation of statutes or ordinances establishing or adopting design or construction standards applicable when built.

(2) In any action involving the construction of any portion or aspect of a highway, road, bridge, street, or sidewalk, it shall be an affirmative defense that such construction was in compliance with applicable statutes, ordinances, or contracts establishing or adopting design or construction standards applicable when built.

**NEW SECTION.** Sec. 15. In any action for damages against the state or a political subdivision thereof, or against its officers, agents or employees, the following affirmative defenses shall be applicable, but nothing contained herein shall create any cause of action or be held or interpreted as altering or diminishing any other existing defenses. In any action involving inspections, or failure to inspect, made for the purpose of determining compliance with applicable laws, it shall be an affirmative defense that the governmental agency:

(1) Was not aware of the noncompliance; or

(2) Has made a reasonable attempt to notify the owner, operator, or agent responsible for compliance of the noncompliance.

Neither affirmative defense shall apply where the property inspected is owned by the governmental agency or where inspection procedures pursuant to specific standards required by applicable laws have not been followed.

**NEW SECTION.** Sec. 16. There is hereby appropriated to the office of financial management the sum of ten thousand dollars or so much thereof as may be

necessary from the general fund for the purpose of conducting a study of the effects of the apportionment and reallocation provisions of section 2 of this act on injured party recoveries in future cases where one of the parties at fault is insolvent or has an immunity or individual defense.

The office of financial management shall prepare a written report of its findings and shall submit the report to the financial institutions and insurance committee and the judiciary committee of the senate and the insurance committee and the judiciary committee of the house of representatives no later than one year from the effective date of this 1979 act.

NEW SECTION. Sec. 17. Sections 1 through 10 and sections 12 through 15 of this 1979 act shall apply to all actions filed after the effective date of this 1979 act. Section 11 of this 1979 act shall apply to all causes of action arising after the effective date of this 1979 act.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Sections 1 through 6 of this act are each added to chapter 4.22 RCW.

NEW SECTION. Sec. 20. Sections 7 through 10 of this act constitute a new chapter in Title 4 RCW.

NEW SECTION. Sec. 21. Section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010 are each repealed."

#### POINT OF INQUIRY

Senator Bluechel: "Senator Bottiger, would you tell me what the status of joint and several liability is in this bill and the changes from the bill prior to this amendment?"

Senator Bottiger: "Senator Bluechel, if I could do that thoroughly and accurately I would also award you about three credit hours toward your law degree. You are asking an extremely technical question. Basically we have compromised the harshness of joint and several by allowing contribution, by assessing a portion of the damage and fault to the plaintiff and by requiring that a plaintiff pick up his share of the insolvent or immune tort feasons assessment by the jury of liability."

Senator Bluechel: "Senator Bottiger, is the main difference between what we had discussed in committee and this bill, the insolvent party?"

Senator Bottiger: "You would have to have insolvent and immune parties. The situation where two or more people cause an injury to a third, which may or may not have been partially his fault is the problems of joint and several and we have attempted to compromise that out in a way that is least harsh to anybody. Everybody under certain circumstances would suffer a little more than you or I might desire and it might not be the same people."

Senator Bluechel: "The deep pocket is still there for the . . . in the case of insolvency then of one of the parties, but as I understand it the amount is proportionately taken from each of the remaining parties in that case, is that correct?"

Senator Bottiger: "Each of the remaining parties at fault, yes."

Senator Bluechel: "Thank you."

Debate ensued.

#### POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, with respect to section thirteen of the amendment, the one relating to the immunity of the employer . . . it is your intention with respect to section thirteen is it not, Senator Bottiger, to avoid the problem

encountered in a recent supreme court case that restricted the availability of that section to a very, very narrow range of cases?"

Senator Bottiger: "I should have mentioned some of the give and take in this bill. Senator Marsh urges me to be brief. One of the problems that was faced was that of the negligent employer who takes a safety device off of a machine that results in the injury to an employee. A compromise was reached by requiring that if he wilfully did it, now wilful is almost a criminal standard. If he wilfully removed or failed to install safety equipment, then he loses his immunity. The recent supreme court case that Senator Talmadge referred to held that he had to do it on purpose. He had to drive over the employee with a fork lift meaning to kill him and we are softening that and saying, 'no, if he wilfully did something that resulted in the injury', almost criminal test, then he loses his immunity."

Further debate ensued.

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

On motion of Senator Bottiger, the following amendment to the title was adopted.

On page 1, line 1, of the title after "Relating to civil causes of action;" strike the remainder of the title and insert the following:

"amending section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020; adding a new section to chapter 4.16 RCW; adding new sections to chapter 4.22 RCW; adding a new chapter to Title 4 RCW; adding a new section to chapter 51.24 RCW; creating new sections; repealing section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010; and making an appropriation."

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2333 was advanced to third reading, the second 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. 2333, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2333, having received the constitutional majority, was declared passed. There being no objection, the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, all measures passed this day were ordered immediately transmitted to the House.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2162.

### SECOND READING

SENATE BILL NO. 2162, by Senator Van Hollebeke:

Raising the minimum limits of financial responsibility for motor vehicle accidents.

The bill was read the second time by sections.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Van Hollebeke, you said this increases the amount that a person is required to carry?"

Senator Van Hollebeke: "That is correct."

Senator Rasmussen: "Would you refresh my memory? Is anybody in this state required to carry any insurance until after they have had the serious and maiming accident, caused several deaths and then they are required to carry it?"

Senator Van Hollebeke: "Now you are coming close to correctly stating the law, Senator, and in the sense I misspoke, we are not required to be insured until we are found not to have been able to carry out our financial responsibility after having been held liable for an accident."

Debate ensued.

#### POINT OF INQUIRY

Senator Ridder: "Senator Van Hollebeke, from your statements, Senator, I would assume then that one-third of those who now have insurance coverage and are at the minimum rate will be paying an annual increase of either twelve or sixteen dollars as a part of the process of the change in our products liability and tort liability legislation. Would that be accurate?"

Senator Van Hollebeke: "Well, Senator, that is close but perhaps a little bit inaccurate. The companies, some companies deal with insuring, . . . are highly competitive companies in their premiums. I think that only with those companies would you find as high as one-third carrying minimum limits. But some companies do not deal with those at all, or in lesser percentages, so they would not have as many as one-third carrying minimum limits."

Senator Ridder: "Excuse me, but it would be the portion of those who are now carrying the minimum limit and who then are paying an increase in rate that we would be talking about, right?"

Senator Van Hollebeke: "That is correct, Senator. For your further information, it was estimated by one party speaking for one of the largest companies, that is one of those carrying more insureds in this state than almost any other, that they thought that very few people would also drop their insurance because, or be uninsured because of this, practically none was their estimate."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Van Hollebeke, I do not serve on the committee that heard this bill and I have reviewed it and can you respond to the reason that no mandatory substance is put in the bill, so that in other words a person could not be licensed, their car could not be licensed in this state unless they had insurance. Was there any consideration given to this so that people would have to be insured if they were, in fact, driving a car? Either their driver's license, or the license on the vehicle."

Senator Van Hollebeke: "Senator, that is not addressed in the bill and I will tell you why that has never become law in the state of Washington, somewhat to the surprise of some people. It is the insurance companies themselves that resist that and the reason is they do not want to be forced to take the high risk insureds. As it stands now, those that are placed in the assigned risk pool and pay the extremely high rate are already a loss to the insurance companies and a far greater loss than

are the insureds who are not in that pool. And, insurance companies have traditionally very forcefully and very effectively resisted having absolute . . . resisted any law which would require that everybody be insured or every automobile be insured. That is why it was not addressed here."

Senator Wojahn: "Thank you."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Bottiger, since you are running some interference, Senator Bottiger, I understood that uninsured motorists' claims simply took care of personal liability. If you were injured in a car accident you could recover on a pain and suffering claim on uninsured motorists, but it did not cover your car. Now, has that been changed?"

Senator Bottiger: "No, that has not been changed. There are some extremely rare cases where someone would have uninsured motorists without having collision coverage on their own car. You see one every once in awhile that there is some reason somebody does not have collision. The collision in this bill is not required, so somebody could go out and buy the minimum insurance policy required by the state, not have his car financed any place, so therefore, did not buy collision insurance which is always required by the bank and the uninsured motorist would not cover his car. That could happen on a rare occasion."

#### POINT OF INQUIRY

Senator Goltz: "Senator Van Hollebeke, this bill has a very unusual life in this body. It was just born a few minutes ago as far as I know, right here on the floor and I am curious as to the urgency of this bill that would require this body to interrupt the normal process of handling these bills and I guess permitting us to display our ignorance out here, that should bring it to us in this particular route."

Senator Van Hollebeke: "Well, Senator, to reply and I think that is certainly a valid inquiry. The reason first of all, I think it has been sufficiently explained. If there are any further questions I would be happy to answer. Senator Bottiger and others would be happy to answer any questions you have, but it was brought out because it was part of a compromise package to get the last bill before both bodies and the House does want to get them all on the same day. That is the principle reason why it was brought out today."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I would like a little bit more explanation of this deep pocket. The insurance companies have a very deep pocket and I have been trying to fill it all my life through their rates they charge, but my concern with this would be, I carry one hundred thousand, three hundred thousand liability."

Senator Bottiger: "Senator, you are in conflict with your insurance policy, you promised them you would never tell anybody."

Senator Rasmussen: "I never promised them a thing, it is public information and, furthermore, they have given that to everybody else in the country, through their lists, but let's get back to that deep pocket, that young lad out there—he is not drunk, he is just a young driver and he is carrying no insurance and he runs into me and kills my wife, puts my kids in the hospital and we have a tremendous bill. Smashes up whatever automobile I happen to be driving, explain the deep pocket theory now. This young lad will not have to have any insurance up until the time he runs into me."

Senator Bottiger: "Senator, that is not the deep pocket in that case, it is your deep pocket, because you are not going to recover from him. Under your uninsured motorist provisions in your policy, depending on how it is worded and how many cars you have under current law, you would be able to collect for the pain, suffering and medical bills that are incurred by you, your wife and your children. You could not collect from your car unless you had a collision insurance, which is a different subject.

"Now, had that young fellow been run off the road as the result of a faulty bridge design and the plaintiff's lawyer sued the county, now we are into deep pocket. Under the existing law, prior to what we just passed, the county would bear the entire share—your entire loss—and we would not worry about that kid with no insurance. Under the bill we passed, if you were at fault at all, you would share with the county, your share of the portion of the fault assigned to that young kid that drove you off the road and you would share that with the county. You remember in caucus I put some figures upon the board to explain that?

"Now, that is what we call deep pocket. The county is there, it has unknown amount of money, we have the Boeing Company, we have the Toro lawnmower, those are the deep pockets we are talking about when we refer to deep pockets."

Senator Rasmussen: "Thank you, Senator."

Further debate ensued.

#### MOTION

Senator Talley moved that Senate Bill No. 2162 be returned to the Committee on Rules.

Debate ensued.

The motion by Senator Talley failed on a rising vote.

#### POINT OF INFORMATION

Senator Henry: "Mr. President, has the concurrent resolution passed the House that we passed here? Then, I raise the question whether this bill is properly before us?"

There being no objection, on motion of Senator Henry, the Point of Information raised by Senator Henry was withdrawn.

#### MOTION

On motion of Senator Bausch, the rules were suspended, Senate Bill No. 2162 was advanced to third reading, the second 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. 2162, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Peterson, Quigg, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Woody—35.

Voting nay: Senators Bausch, Bluechel, Goltz, Lysen, McDermott, Odegaard, Pullen, Rasmussen, Ridder, Talley, Williams, Wilson, Wojahn—13.

Excused: Senator Keefe—1.

SENATE BILL NO. 2162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

Senator Bottiger moved that Senate Bill No. 2162 and all other measures passed this day be immediately transmitted to the House.

Senator Odegaard objected.

The motion by Senator Bottiger carried. Senate Bill No. 2162 was ordered immediately transmitted to the House.

## MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

## MESSAGE FROM THE HOUSE

March 7, 1979.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 1033, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1033, by Committee on Transportation (originally sponsored by Representatives Martinis and Wilson):

Relating to transportation funding.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 1033 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 1033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Henry . . ."

Senator Henry: "It has nothing to do with I-90, Senator McDermott."

Senator McDermott: "Since that section of bridge is down there, why don't they just make a tunnel?"

Senator Henry: "Well, they have a tunnel in San Francisco, and that is not working very good either, that is also closed."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1033, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**SUBSTITUTE HOUSE BILL NO. 1033**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:12 p.m., on motion of Senator Walgren, the Senate recessed until 4:18 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 4:18 p.m.

#### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 7, 1979.

**SENATE BILL NO. 2783**, requiring transient accommodations to meet fire safety standards before receiving a license (reported by Committee on Commerce):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

March 6, 1979.

**SENATE BILL NO. 2974**, relating to regulation of energy sites (reported by Committee on Energy and Utilities):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2974 be substituted therefor, and that Substitute Senate Bill No. 2974 do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Williams, Wilson.

Passed to Committee on Rules for second reading.

March 5, 1979.

**SENATE BILL NO. 2976**, relating to energy conservation (reported by Committee on Energy and Utilities):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2976 be substituted therefor, and that Substitute Senate Bill No. 2976 do pass.

Signed by: Senators Bottiger, Chairman; Lewis, North, Williams, Woody.

Passed to Committee on Rules for second reading.

March 6, 1979.

**SENATE BILL NO. 2979**, relating to energy (reported by Committee on Energy and Utilities):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2979 be substituted therefor, and that Substitute Senate Bill No. 2979 do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 6, 1979.

**SENATE BILL NO. 2993**, revising laws relating to public utility districts (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2993 be substituted therefor, and that Substitute Senate Bill No. 2993 do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Wilson.  
Passed to Committee on Rules for second reading.

March 7, 1979.

SENATE BILL NO. 3038, extending the scope of the legislative ethics law and establishing a statute of limitations for complaints thereunder (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Lewis, Marsh, Peterson.  
Passed to Committee on Rules for second reading.

March 5, 1979.

SENATE BILL NO. 3087, facilitating the use of wood, or wood derived fuels, or natural gas for home heating (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3087 be substituted therefor, and that Substitute Senate Bill No. 3087 do pass.

Signed by: Senators Bottiger, Chairman; Lewis, Lysen, North, Woody.  
Passed to Committee on Rules for second reading.

March 6, 1979.

SENATE BILL NO. 3117, providing for programs of education for residents in certain institutions under jurisdiction of social and health services (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 5, 1979.

SENATE BILL NO. 3120, modifying the membership and powers of the joint committee on energy and utilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, Lysen, North, Williams, Woody.

Passed to Committee on Rules for second reading.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 7, 1979.

FRED ROSS, to the position of member of the Public Disclosure Commission, appointed by the Governor on July 22, 1977 for the term ending December 31, 1980, succeeding Dr. Werner Quast (reported by the Committee on Constitution and Elections):

Recommends that said appointment be confirmed.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

Passed to Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 7, 1979.

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

I have the honor to advise that on March 7, 1979, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2221: Health care practitioners review board.

SENATE BILL NO. 2233: Small loan companies.

SENATE BILL NO. 2366: Relating to harbor lines.

SENATE BILL NO. 2486: Relating to apple assessments.

SENATE BILL NO. 2119: Relating to business corporations.

Sincerely,  
H. B. HANNA  
Legal counsel.

#### MESSAGES FROM THE HOUSE

March 7, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2252, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 141 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 109 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 96 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTION HOUSE BILL NO. 88 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 50 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 25 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 178,

HOUSE BILL NO. 788,

HOUSE BILL NO. 808,

HOUSE BILL NO. 983, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 815,

HOUSE BILL NO. 875,

HOUSE BILL NO. 952, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 6, 1979.

Mr. President: The Speakers have signed:

SUBSTITUTE SENATE BILL NO. 2028,

SENATE BILL NO. 2178,

SENATE BILL NO. 2186,

SENATE BILL NO. 2417, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 178,

HOUSE BILL NO. 788,

HOUSE BILL NO. 808,

HOUSE BILL NO. 983.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 815,

HOUSE BILL NO. 875,

HOUSE BILL NO. 952.

MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2768.

SECOND READING

SENATE BILL NO. 2768, by Senators Odegaard, Rasmussen, Talmadge, Ridder, Woody, Bottiger and Wilson:

Changing the laws concerning runaway youths and procedures for families in conflict.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2768 was substituted for Senate Bill No. 2768 and the substitute bill was placed on second reading and read the second time in full.

Senator Marsh moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011 are each amended to read as follows:

For purposes of this ((chapter)) title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile(~~(-)~~)," "youth(~~(-)~~)," and "child" ((~~shall~~)) mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" ((~~shall~~)) have the meaning ascribed in RCW 13.40.010 through 13.40.240; ((~~and~~))

(3) "Court" when used without further qualification ((~~shall~~)) means the juvenile court judge(s) or commissioner(s);

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(5) "Custodian" means that person who has the legal right to custody of the child.

Sec. 2. Section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually(~~(, in the month of January,)~~) assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 3. Section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170, as now or hereafter amended;

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210, as now or hereafter amended;

(4) To approve or disapprove alternative residential placement as provided in ((RCW 13.32.020 through 13.32.050)) section 31 of this 1979 act;

(5) Relating to children alleged to be or found to be in need of involuntary civil commitment as provided in chapter 72.23 RCW;

(6) Relating to ((youth)) juveniles alleged or found to ((be a juvenile offender)) have committed offenses or violations as provided in RCW 13.40.020 through

13.40.230, as now or hereafter amended, unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110, as now or hereafter amended; or

(b) The ((period)) statute of limitations ((of actions)) applicable to adult prosecution for the offense ((alleged in the petition)) or violation has expired; or

(c) The alleged offense is a traffic, fish, boating, or game offense ((involves a violation of the traffic laws, which is not a misdemeanor, by juveniles over fifteen years of age)) committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried in a court of limited jurisdiction, in which instance the case shall be heard in the appropriate court of limited jurisdiction: PROVIDED, That where such an alleged offense and an alleged offense subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or subsection (6)(a) of this section; and

(7) Under the interstate compact on juveniles as provided in chapter 13.24 RCW.

Sec. 4. Section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033 are each amended to read as follows:

Any person aggrieved by a final order of the ((juvenile)) court may appeal ((said)) the order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the ((juvenile)) court or the appellate court may upon application stay ((said)) the order.

If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

Sec. 5. Section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any class AA county such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 6. Section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to RCW ((13.32.020,)) 13.34.040, 13.34.180, and 13.40.070 as now or hereafter amended, and section 29 of this 1979 act;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, as now or hereafter amended, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130, as now or hereafter amended, and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department of social and health services for cases relating to dependency or to the termination of a parent and child relationship ((in any class A or AA county)) which is filed by the department of social and health services unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the ((board)) legislative authority of the county ((commissioners)), or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the ((boards of county commissioners)) legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080, as now or hereafter amended.

Sec. 7. Section 2, chapter 132, Laws of 1945 and RCW 13.04.130 are each amended to read as follows:

(1) Neither the fingerprints nor a photograph ((shall be taken)) of any ((child under the age of eighteen years)) juvenile may be taken ((into custody for any purpose)) without the consent of juvenile court, except as provided in subsection (2) of this section and RCW 10.64.110.

(2) A law enforcement agency may fingerprint and photograph a juvenile arrested for a felony offense. If the court finds a juvenile's arrest for a felony offense unlawful, the court shall order the fingerprints and photographs of the juvenile taken pursuant to that arrest expunged, unless the court, after a hearing, orders otherwise.

**NEW SECTION.** Sec. 8. (1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one

juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to section 9(12) of this act. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

**NEW SECTION.** Sec. 9. (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and section 8 of this act.

(4) Except as otherwise provided in this section and section 8 of this act, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion,

and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) If a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, up to the time the juvenile agrees to enter a diversion agreement, the rules of discovery applicable in adult criminal cases apply to release of information to the prosecutor, the juvenile, and the juvenile's attorney.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding may be released to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system may be released to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall grant the motion to seal records made pursuant to subsection (11) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in section 8(8) of this act.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has

the effect of nullifying the sealing order.

(17) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(18) The court may grant the motion to destroy records made pursuant to subsection (17) of this section if it finds:

- (a) The person making the motion is at least twenty-three years of age;
- (b) The person has not subsequently been convicted of a felony;
- (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and
- (d) The person has never been found guilty of a serious offense.

(19) If the court grants the motion to destroy records made pursuant to subsection (17) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

**NEW SECTION.** Sec. 10. (1) This section governs records not covered by section 9 of this act.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and section 8 of this act.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or

medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

NEW SECTION. Sec. 11. This chapter applies to all juvenile justice or care agency records created on or after July 1, 1978.

NEW SECTION. Sec. 12. Sections 8 through 11 of this act shall constitute a new chapter in Title 13 RCW. RCW 13.04.276 and 13.04.278, each as now or hereafter amended, are decodified and shall be recodified as part of such new chapter.

Sec. 13. Section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278 are each amended to read as follows:

Notwithstanding any other provision of this chapter, whenever a child is arrested for a violation of any law, including municipal ordinances, regulating the operation of vehicles on the public highways, a copy of the traffic citation and a record of the action taken by the ((juvenile)) court shall be forwarded by the juvenile court to the ((director of licenses)) department of licensing in the same manner as provided in RCW ((46.20.280)) 46.20.270.

NEW SECTION. Sec. 14. There is added to chapter 291, Laws of 1977 ex. sess. and chapter 13.04 RCW a new section to read as follows:

Nothing in chapter 13.04, 13.06, 13.30, 13.32, 13.34, or 13.40 RCW may be construed to prevent a juvenile from being found both dependent and an offender if there exists a factual basis for such a finding.

NEW SECTION. Sec. 15. The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

NEW SECTION. Sec. 16. This chapter shall be known and may be cited as the Procedures for Families in Conflict.

NEW SECTION. Sec. 17. As used in this chapter the following terms have the

meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

NEW SECTION. Sec. 18. Families who are in conflict may request crisis intervention services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Crisis intervention services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

NEW SECTION. Sec. 19. A law enforcement officer shall take a juvenile into custody:

- (1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from custody without consent; or
- (2) If a law enforcement officer reasonably believes that a juvenile is in circumstances which constitute a serious danger to the juvenile's physical safety; or
- (3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

In no case may law enforcement custody extend more than six hours from the time of the juvenile's initial contact with the law enforcement officer.

NEW SECTION. Sec. 20. (1) An officer taking a juvenile into custody under section 19 of this 1979 act shall inform the juvenile of the reason for such custody and shall transport the juvenile to his or her home if the juvenile consents. The officer so releasing a juvenile from custody shall inform the parent of the reason for taking the juvenile into custody and may, if he or she believes further services may be needed, inform the juvenile and the person to whom the juvenile is released of the nature and location of appropriate services.

(2) If, in the judgment of the law enforcement officer, it is not practical nor in the best interests of the family to take the juvenile home, the law enforcement officer shall take the juvenile to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential shelter or shelters in their judicial district, where juveniles taken into custody under section 19 of this 1979 act may be taken.

NEW SECTION. Sec. 21. An officer taking a juvenile into custody under sec-

tion 19 of this 1979 act may, at his or her discretion, transport the juvenile to the home of a responsible adult other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a juvenile with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the juvenile into custody.

A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a juvenile to a person other than a parent of such juvenile is immune from civil or criminal liability for such action. A person other than a parent of such juvenile who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

**NEW SECTION. Sec. 22.** (1) Any person who knowingly provides shelter to a child without the acquiescence of the child's parent shall be guilty of a gross misdemeanor if he or she refuses to release the child to a law enforcement officer after being informed by the officer that the child is a reported runaway and that refusal to release the juvenile is a gross misdemeanor. This section does not apply to any person providing shelter to a reported runaway pursuant to section 23 of this 1979 act.

(2) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(3) An adult responsible for involving a juvenile in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

**NEW SECTION. Sec. 23.** (1) The person in charge of a designated crisis residential center or the department pursuant to section 21 of this 1979 act shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under section 20 of this 1979 act;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under section 22(2) of this 1979 act that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to section 21 of this 1979 act.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Notify and inform the parent of the child as to the parent's rights under this chapter including, but not limited to, the right to file an alternative residential placement petition;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with

any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

NEW SECTION. Sec. 24. Where a child is placed in a residence other than that of his or her parent pursuant to section 23(2)(e) of this 1979 act, the department shall make available crisis intervention services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

NEW SECTION. Sec. 25. If a child who has a legal residence outside the state of Washington is admitted to a crisis residential center or is placed by a law enforcement officer with a responsible person other than the child's parent, and the child refuses to return home, the provisions of RCW 13.24.010 shall apply.

NEW SECTION. Sec. 26. (1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to section 23(2)(e) of this 1979 act, the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under section 23(2)(e) of this 1979 act, either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under section 23(2)(e) of this 1979 act, either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

NEW SECTION. Sec. 27. A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under section 23(2)(e) of this 1979 act shall, except as provided for by section 28 and section 30(2) of this 1979 act, reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours from the point of intake, except as otherwise provided by this chapter.

NEW SECTION. Sec. 28. The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; and

(e) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center or placed with a responsible adult other than his or her parent, and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to section 23(2)(e) or pursuant to section 26(1) of this 1979 act is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; and

(e) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

**NEW SECTION.** Sec. 29. A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved or disapproved. The filing of a petition to approve or disapprove such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove alternative residential placement or its continuation.

**NEW SECTION.** Sec. 30. (1) When a proper petition is filed under section 26, 28, or 29 of this 1979 act the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent and child of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative residential placement petition; and (e) notify all parties of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the court within three court days upon the request of the juvenile or the juvenile's parent.

**NEW SECTION.** Sec. 31. (1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or disapprove alternative residential placement giving due weight to the intent of the legislature expressed in section 15

of this 1979 act. The court shall approve an order stating that the child shall be placed in a residence other than the home of his or her parent if it is established by a preponderance of the evidence that a serious conflict exists between the parent and child and that the conflict cannot be resolved by the delivery of services to the family during continued placement of the child in the parental home.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court disapproves a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court disapproves a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall instruct that the child remain at or return to the home of his or her parent.

(5) The court shall dismiss the petition if it finds (a) that a petition filed pursuant to section 29 of this 1979 act is capricious, or (b) that the filing party did not first reasonably attempt to resolve the conflict outside the court. Upon dismissing the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

**NEW SECTION.** Sec. 32. (1) At a dispositional hearing held to consider the three-month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify such plan and shall make its dispositional order for a three-month out-of-home placement for the child. The court dispositional order shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

(2) No placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974 and clarifying interpretations and regulations promulgated thereunder.

**NEW SECTION.** Sec. 33. (1) Upon making a dispositional order under section 32 of this 1979 act, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel to represent the child and the parent, if indigent, at the review hearing, advise nonindigent parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing.

(2) At the review hearing the court: (a) Shall approve or disapprove the continuation of the dispositional plan according to the standards of resolving the conflict and reuniting the family which governed the initial approval; (b) if out-of-home placement is continued, the court may modify the dispositional plan according to the standards of resolving the family conflict and reuniting the family and shall set the matter on the calendar for further review within six months; (c) may determine that

interim services as may be appropriate have been offered to the parent and child.

(3) Subsequent six-month review hearings shall be held pursuant to this section until such time as the family is reunited. If the court, at any such hearing, does not approve the continuation of an alternative residential placement and states that the child shall reside with his or her parents, it may hold another review hearing within six months.

**NEW SECTION.** Sec. 34. All hearings pursuant to this chapter may be conducted at any time or place within the county of the residence of the parent and such cases shall not be heard in conjunction with the business of any other division of the superior court. The general public shall be excluded from hearings and only such persons who are found by the court to have a direct interest in the case or the work of the court shall be admitted to the proceedings.

Sec. 35. Section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010 are each amended to read as follows:

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: **PROVIDED**, That custody pursuant to chapter(~~s 13.30, 13.32, and~~) 13.34 RCW and RCW 74.13.020 and 74.13.031 and sections 15 through 34 of this 1979 act shall not be deemed custody for purposes of this chapter;

(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 juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter(~~s 13.32 and~~) 13.34 RCW or sections 15 through 34 of this 1979 act, 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. 36. There is added to chapter 13.24 RCW a new section to read as follows:

(1) The governor is hereby authorized and directed to execute a compact amending and supplementing the interstate compact on juveniles on behalf of this state with any other state or states legally joining therein in the form substantially as set forth in subsection (2) of this section.

(2) (a) All provisions and procedures of Articles V and VI of the interstate compact on juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

(b) This amendment provides additional remedies and shall be binding only as among and between those party states which substantially execute the same.

Sec. 37. Section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" (~~shall~~) means any individual under the age of

eighteen years;

(2) "Dependent child" (~~shall~~) means any child:

(a) Who has been abandoned; that is, (~~left by his or her parents, guardian, or other custodian without parental care and support~~) where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so; or

(b) Who is abused or neglected as defined in chapter 26.44 RCW; or

(c) Who has no parent, guardian, or custodian(~~;~~ or

~~d) Any child:~~

~~(i) Who is in conflict with his or her parent, guardian, or custodian;~~

~~(ii) Who refuses to remain in any nonsecure residential placement ordered by a court pursuant to RCW 13.32.040;~~

~~(iii) Whose conduct evidences a substantial likelihood of degenerating into serious delinquent behavior if not corrected; and~~

~~(iv) Who is in need of custodial treatment in a diagnostic and treatment facility)) willing and capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.~~

Sec. 38. Section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050 are each amended to read as follows:

The (~~juvenile~~) court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if a petition is filed with the juvenile court alleging that the child is dependent and the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

Sec. 39. Section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. "Shelter care" means temporary physical care in a (~~foster family home or receiving home~~) facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize routine medical and dental examination and care and all necessary emergency care. In no case (~~shall~~) may a child who is taken into custody pursuant to RCW 13.34.050 or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a (~~preliminary~~) shelter care hearing. The court shall hold a (~~preliminary~~) shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian (~~or~~) and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall take testimony concerning the circumstances for taking the child into custody and the need for shelter care. The court shall give the child and the child's parent or guardian and the parent's or guardian's counsel an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses.

(5) ~~((In class A and AA counties the department of social and health services (and in all other counties))~~ The juvenile court probation counselor((3)) shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal ~~custodian ((or other suitable person able and willing to provide supervision and care for such child))~~ unless the court finds there is reasonable cause to believe that:

(a) The child has no parent, guardian, or legal ~~custodian((; or other suitable person))~~ to provide supervision and care for such child; or

(b) The release of such child would present a serious threat of substantial harm to such child.

~~((If continued shelter care is ordered, the court shall set forth its reasons for continued shelter care:))~~ If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. No child ~~((shall))~~ may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 40. Section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:  
VIOLATION OF THIS ORDER

IS SUBJECT TO PROCEEDING  
FOR CONTEMPT OF COURT  
PURSUANT TO RCW 13.04.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

~~((7))~~ (8) Service of summons may be made under the direction of the court by any person ~~((twenty-one))~~ eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

~~((8) If the person summoned as herein provided, shall fail without reasonable cause to appear and abide the order of the court, he may be proceeded against as for contempt of court.))~~

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 41. Section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080 are each amended to read as follows:

In a dependency case where it ~~((shall))~~ appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of ~~((said))~~ the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court ~~((may order said))~~ shall direct the clerk to publish notice ~~((published))~~ in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of ~~((said))~~ the notice to be at least twenty-five days prior to the date fixed for the hearing. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition ~~((and))~~, the date of hearing, and the object of the proceeding in general terms ~~((:))~~ shall be set forth, and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice, and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 42. Section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090

are each amended to read as follows:

Any party has a right to be represented by an attorney (~~(of his or her own choosing)~~) in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030(2) (~~((a), (b), or (c))~~), the child's parent or guardian (~~(shall have)~~) has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court.

~~((A child alleged to be dependent pursuant to RCW 13.34.030(2)(d) shall have the right to appointed counsel:))~~

Sec. 43. Section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100 are each amended to read as follows:

The court, at any stage of a proceeding under this chapter, may appoint an attorney and/or a guardian ad litem for a child who is a party to the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such attorney and/or guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter. A report by the guardian ad litem to the court shall contain, where relevant, information on the legal status of a child's membership in any Indian tribe or band.

Sec. 44. Section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. No social file or social study (~~(shall)~~) may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases (~~(shall)~~) may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons (~~(shall)~~) may be admitted who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 45. Section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file and social study at the disposition hearing in addition to evidence produced at the fact-finding hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent ~~((further))~~ serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 46. Section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2) ~~((a), (b), or (c))~~; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be ~~((placed in foster care))~~ removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if:

(i) There is no parent or guardian available to care for such child; or

(ii) The child is unwilling to reside in the custody of the child's parent ~~((or)),~~ guardian, or legal custodian; or

(iii) The parent ~~((or)),~~ guardian, or legal custodian is not willing to take custody of the child; or

(iv) A manifest danger ~~((would))~~ exists that the child will suffer ~~((further))~~ serious abuse or neglect if the child is not removed from the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will ~~((receive))~~ be offered in order to enable them to resume custody and what ~~((actions))~~ requirements the parents must ~~((take))~~ meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall ~~((be responsible for assuming that all services are provided))~~ provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section still exists. When a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) What services have been provided to or offered to the ~~((parents))~~ parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order ~~((such))~~ that reasonable services be offered; and

(v) When return of the child can be expected.

~~(c) ((If a child is not returned to the child's home, at such review hearing the court shall advise the parents that a petition to seek termination of parental rights may be ordered at the next review hearing.~~

~~(d))~~ The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 47. Section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.34.040 as now or hereafter amended and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2) ~~((a) or (b))~~; and

~~((2) That the conditions which led to the removal still persist; and~~

~~(3))~~ (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that ~~((those))~~ conditions will be remedied so that the child can be returned to the parent in the near future; and

~~((4))~~ (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; ~~((and~~

~~(5) That, if the finding of dependency has been pursuant to RCW 13.34.030(2)(b), necessary services have been provided or offered to the parent to~~

facilitate a reunion; and

~~(6) That the parent has substantially failed to accept such services; and~~

~~(7) That if the parent is subject to an order of disposition pursuant to the finding of dependency, the parent has substantially failed to comply with the order))~~

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the identity and whereabouts of the child's parent are unknown and no parent has claimed the child within two months after the child was found.

Sec. 48. Section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) (a) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or (b) RCW 13.34.180(3) may be waived because the allegations under RCW 13.34.180 (1), (2), (4), (5), and (6) are established beyond a reasonable doubt; or (c) the allegation under RCW 13.34.180(7) is established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 49. Section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department of social and health services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within ~~((two years))~~ six months after the date of the order and a general guardian of the child has not been appointed by the court, the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and the court shall review the case every six months thereafter until a decree of adoption is entered.

NEW SECTION. Sec. 50. There is added to chapter 13.34 RCW a new section to read as follows:

Written findings of fact, conclusions of law, and orders of termination of parent/child relationships made under this chapter shall be presented to the court by the prevailing party within thirty days of the court's decision unless extended by the court for good cause shown.

NEW SECTION. Sec. 51. There is added to chapter 13.34 RCW a new section to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department of social and health services shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings. Guardianship may be established if the court finds that: (1) The requirements of chapter 11.88 RCW are met; (2) the requirements of RCW 13.34.180(1), (2), (3), (4), and (5) are met; and (3) sole guardianship is in the best interests of the child. Guardianship of a child under this section shall not disentitle a guardian from eligibility to receive foster care payments. Guardianship shall be as defined in chapter 11.88 RCW: **PROVIDED,** That if guardianship is established pursuant to this section, the review hearing requirements of RCW 13.34.130 shall not apply; the juve-

nile court shall determine the appropriate frequency of visitation between the parent or parents and the child; the juvenile court shall determine the need for any continued involvement of a supervising agency; any party may seek modification of the guardianship under RCW 13.34.150.

**NEW SECTION.** Sec. 52. There is added to chapter 13.34 RCW a new section to read as follows:

The courts of this state shall give full faith and credit as provided for in the United States Constitution to the public acts, records, and judicial proceedings of any Indian tribe or band in any proceeding brought pursuant to this chapter to the same extent that full faith and credit is given to the public acts, records, and judicial proceedings of any other state.

**NEW SECTION.** Sec. 53. There is added to chapter 13.34 RCW a new section to read as follows:

Whenever appropriate, an Indian child shall be placed in a foster care home with the following characteristics which shall be given preference in the following order:

- (1) Relatives;
- (2) An Indian family of the same tribe as the child;
- (3) An Indian family of a Washington Indian tribe of a similar culture to that tribe;
- (4) Any other family which can provide a suitable home for an Indian child, such suitability to be determined through consultation with a local Indian child welfare advisory committee.

Sec. 54. Section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree, rape in the first degree, or rape in the second degree; or
- (c) Assault in the second degree, extortion in the first degree, indecent liberties, kidnaping in the second degree, robbery in the second degree, burglary in the second degree, statutory rape in the first degree, or statutory rape in the second degree, where such offenses include the infliction of grievous bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator uses a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth for a period of time not to exceed one year. Such an order may include one or more of the following:

- (a) A fine, not to exceed one hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;
- (c) Attendance of information classes;
- (d) Counseling; or
- (e) Such other services to the extent funds are available for such services, conditions, or limitations as the court may require which may not include (~~partial confinement or~~) confinement;

(4) "Confinement" means (~~any commitment to~~) physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county. Confinement of less than thirty-one days imposed as part

of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(5) "Court", when used without further qualification, means the juvenile (~~department of the superior~~) court judge(s) or commissioner(s);

(6) "Criminal history" (~~shall~~) includes all criminal complaints against the respondent where:

(a) The allegations were found correct by a (~~juvenile~~) court. In any judgment where a respondent is convicted of two or more charges arising out of the same course of conduct, (~~where one charge is included within the other, then~~) only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

(7) "Department" means the department of social and health services;

(8) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.04.040, as now or hereafter amended, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter; ☺

(9) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(10) "Juvenile(~~( $\frac{1}{2}$ )~~)", "youth(~~( $\frac{1}{2}$ )~~)", and "child" (~~shall~~) mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court(~~(, or who is over the age of eighteen years but remaining under the jurisdiction of the court as provided in RCW 13.40.300.)~~);

(11) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older, committed pursuant to RCW 13.40.300;

(12) "Manifest injustice" means a disposition that would impose an excessive penalty on the juvenile or a clear danger to society in light of the purposes of this chapter;

(13) "Minor or first offender" means a person sixteen years of age or younger (~~(who has committed an offense which if committed by an adult would be a class C felony, a gross misdemeanor, or a misdemeanor, and whose prior criminal history, if any, does not include any class A or B felony, more than two class C felonies, or more than one class C felony plus any series of misdemeanors and/or gross misdemeanors totalling three or more, or any series of misdemeanors and/or gross misdemeanors totalling four or more, or who has committed an offense which if committed by an adult would be a class B felony (except for any felony which is listed in subsections (1)(a), (b), or (c) of this section) and who has no prior criminal history)~~) whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony (except for any felony which is listed in subsection (1) (b) or (c) of this section) and one misdemeanor or gross misdemeanor;

(f) One class B felony (except for any felony which is listed in subsection (1) (a), (b), or (c) of this section).

For purposes of this definition, current violations shall be counted as

misdemeanors;

(14) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(15) (~~"Partial confinement" means confinement in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days of the week spent under community supervision;~~

(+6)) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((+7)) (16) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, and lost wages resulting from physical injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((+8)) (17) "Secretary" means the secretary of the department of social and health services;

((+9)) (18) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; ((and

(+20)) (19) (~~(Shelter)~~) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(20) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 55. Section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030 are each amended to read as follows:

(1) The secretary shall propose to the legislature no later than November 1st of each even-numbered year disposition standards for all offenses. The standards shall establish, in accordance with the purposes of this chapter, ranges which may include terms of confinement (~~(and/or partial confinement)~~) and/or community supervision established on the basis of a youth's age, the instant offense, and the history and seriousness of previous offenses, but in no case (~~(shall)~~) may the period of confinement and supervision exceed that to which an adult may be subjected for the same offense(s). Standards proposed for offenders listed in RCW 13.40.020(1) shall include a range of confinement which (~~(shall)~~) may not be less than thirty days. No standard range may include a period of confinement which includes both more than thirty, and thirty or less, days. Disposition standards proposed by the department shall provide that in all cases where a youth is sentenced to a term of confinement in excess of thirty days the department may impose an additional period of parole not to exceed eighteen months. Standards of confinement which may be proposed (~~(shall)~~) may relate only to the length of the proposed terms and not to the nature of the security to be imposed. The secretary shall also submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review at the same time the department proposes its disposition standards.

(2) The legislature may adopt the proposed standards or refer the proposed standards to the secretary for modification. If the legislature fails to adopt or refer the proposed standards to the secretary by February 15th of the following year, the

proposed standards shall take effect without legislative approval on July 1st of that year.

(3) If the legislature refers the proposed standards to the secretary for modification on or before February 15th, the secretary shall resubmit the proposed modifications to the legislature no later than March 1st. The legislature may adopt or modify the resubmitted proposed standards. If the legislature fails to adopt or modify the resubmitted proposed standards by April 1st, the resubmitted proposed standards shall take effect without legislative approval on July 1st of that year.

(4) Notwithstanding any other provision of this section, the secretary shall propose standards and submit guidelines to the legislature no later than November 1, 1977. The legislature shall consider the proposed standards and submitted guidelines during the following year in the manner prescribed by subsections (2) and (3) of this section. Such standards shall be in effect for the period July 1, 1978, to June 30, 1979.

(5) Any term of confinement in excess of thirty days shall be served at a facility operated by or pursuant to a contract with the state of Washington.

(6) In developing and promulgating the permissible ranges of confinement under this section the secretary shall be subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range (~~shall~~) may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range (~~shall~~) may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range (~~shall~~) may be no less than eighty percent of the maximum term in the range.

~~((7) In developing and promulgating the permissible ranges of partial confinement under this section, the secretary shall be subject to the following limitations:~~

~~(a) Where the maximum term in the range is ninety days or less, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and~~

~~(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range.))~~

NEW SECTION. Sec. 56. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

The standards submitted by the secretary to the legislature prior to November 1, 1978, pursuant to RCW 13.40.030, as now or hereafter amended, including any such standards as modified by the legislature and by the secretary as provided for by that section, shall take effect thirty days after the effective date of this 1979 act.

Sec. 57. Section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040 are each amended to read as follows:

(1) A (~~youth~~) juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the (~~youth~~) juvenile has committed an offense or has violated terms of (~~community supervision~~) a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the (~~youth~~) juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of

a juvenile offender.

(2) A ~~((youth shall))~~ juvenile may not be held in detention unless(:

~~(a) The youth has been taken into custody and referred to the court for allegedly committing an offense or when the youth has allegedly failed, or has been found to have failed, to meet the terms of his or her community supervision, and that the youth's past conduct or statements give reason))~~ there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

~~(i) The ((youth)) juvenile will likely fail to appear for further proceedings; or~~

~~(ii) Detention is required to protect ((a youth who is dangerous to))~~ the juvenile from himself or herself; or

~~((fb))~~ (iii) The ((court has ordered detention as a material witness;

~~(c) The youth is a fugitive from justice;~~

~~(d) The secretary or the secretary's designee has suspended the early release of a juvenile offender;~~

~~(e) There is clear and convincing evidence that the youth is dangerous to others))~~ juvenile is a threat to community safety; or

~~((ff))~~ (iv) The ((youth)) juvenile will ((seek to)) intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending; or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Upon a finding that members of the community have threatened the health of a ~~((youth))~~ juvenile taken into custody, at the ~~((youth's))~~ juvenile's request the court may order continued detention pending further order of the court.

(4) A ~~((youth))~~ juvenile detained under this section may be released upon posting bond set by the court. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the ~~((youth))~~ juvenile and shall set the date of his or her next court appearance. The court shall advise the ~~((youth))~~ juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the ~~((youth))~~ juvenile or to return the ~~((youth))~~ juvenile to custody for failing to conform to the conditions imposed. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

Sec. 58. Section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050 are each amended to read as follows:

(1) When a ~~((youth))~~ juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the ((youth)) juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) ~~((Written))~~ Notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the ~~((youth))~~ juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this

chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a ~~((child))~~ juvenile shall at the detention hearing be ordered released on the ~~((child's))~~ juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the ~~((child))~~ juvenile in the custody of a designated person agreeing to supervise such ~~((child))~~ juvenile;

(b) Place restrictions on the travel of the ~~((child))~~ juvenile during the period of release;

(c) Require the ~~((child))~~ juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; or

(e) Require that the ~~((child))~~ juvenile return to detention during specified hours.

Sec. 59. Section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060 are each amended to read as follows:

(1) Proceedings under this chapter shall be commenced in the county where the ~~((child))~~ juvenile resides. However, proceedings may be commenced in the county where an element of the alleged criminal offense occurred if so requested by the ~~((child))~~ juvenile or by the prosecuting attorney of the county where the incident occurred.

(2) If the hearing takes place in the county where an element of the alleged criminal offense occurred, the case and copies of all legal and social documents pertaining thereto ~~((shall))~~ may in the discretion of the court be transferred to the county where the ~~((child))~~ juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the ~~((child))~~ juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.

(3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when:

(a) There is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun; or

(b) It appears that venue is incorrect under this section.

Sec. 60. Section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint ~~((for legal sufficiency. The purpose of such screening shall be))~~ to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the ~~((youth))~~ juvenile did commit the offense.

(2) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (4), (5) and (6) of this section. If the prosecutor neither files

nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(3) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

~~((3)) (4) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if ((the alleged offender is one or more of the following)):~~

~~(a) An alleged offender is accused of a class A felony, ((an attempt to commit a class A felony,)) a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or~~

~~(b) An alleged offender ((with)) is accused of a felony and has a criminal history of at least ((a)) one class A or class B felony, or two class C ((felony offenses, or at least one class C felony offense and at least one misdemeanor or gross misdemeanor)) felonies, or at least two gross misdemeanors, or at least ((one gross misdemeanor and)) two misdemeanors((; or at least three misdemeanors)) and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or~~

~~(c) An alleged offender ((accused of violating his or her diversion agreement or who wishes to be prosecuted rather than enter into a diversion agreement or who)) has been referred by ((the)) a diversion unit for prosecution((: PROVIDED, That if the prosecutor elects not to file a charge for which there is probable cause, he shall maintain a record, for one year, of such election and the reasons therefor)) or desires prosecution instead of diversion.~~

~~((4) If it appears that there is probable cause to believe that an offense has been committed by a youth, the prosecutor may file an information with the juvenile court if the alleged offender is an alleged offender accused of a class C felony.~~

~~(5) Whenever the alleged offender is an alleged offender listed in subsection (3) of this section, the prosecutor may file an information on any other criminal complaint regardless of whether or not the other offense is listed in subsection (3)(a) of this section. In lieu of filing an information, the prosecutor may file a motion to modify or revoke community supervision if a criminal complaint alleges a violation of a condition of community supervision.~~

~~(6) If an alleged offender does not fall within subsection (3) or (4) of this section, the prosecutor shall refer the complaint to the diversionary unit for the formation of a diversion agreement pursuant to RCW 13.40.080.)~~

~~(5) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (4) and (6) of this section, a case under this subsection may also be filed.~~

~~(6) Where a case is legally sufficient and falls into neither subsection (4) nor (5) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history.~~

~~(7) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.~~

~~(8) The responsibilities of the prosecutor under subsections (1) through (7) of~~

this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

Sec. 61. Section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a ~~((youth))~~ juvenile accused of an offense and a diversionary unit whereby the ~~((youth))~~ juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

(2) A diversion agreement ~~((may include))~~ shall be limited to:

(a) ~~((Periods of))~~ Community service not to exceed one hundred fifty hours, ~~((but))~~ not to be performed during school hours if the ~~((youth))~~ juvenile is attending school ~~((, no community service shall be required during normal school hours));~~

(b) Restitution limited to the amount of actual loss incurred by the victim, and ~~((the youth shall be required to make restitution to the victim unless the youth does not have))~~ to an amount the juvenile has the means ~~((and could not acquire the means to do so))~~ or potential means to pay; and

~~((c))~~ An informational, educational, or counseling interview, which may be required at a community agency.

~~((d))~~ (3) In assessing periods of community service to be performed and restitution to be paid by a ~~((youth))~~ juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall to the extent possible involve members of the community. Such members of the community shall meet with the ~~((youth))~~ juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the ~~((youth))~~ juvenile in carrying out its terms~~((;))~~.

~~((d))~~ (4) A diversion agreement ~~((shall))~~ may not exceed a period of six months for a misdemeanor or gross misdemeanor or one year for a felony and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term ~~((shall))~~ may not exceed an amount which the ~~((youth))~~ juvenile could be reasonably expected to pay during this period. If additional time is necessary for the ~~((youth))~~ juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months~~((; and~~

~~((e))~~ An informational, educational, or counseling interview may be required at a community agency).

~~((f))~~ (5) The ~~((youth))~~ juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((g))~~ (6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether ~~((said youths))~~ the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No ~~((youth shall))~~ divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the ~~((youth))~~ divertee;

(d) The hearing shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the ~~((diverted youth))~~ divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

~~((5))~~ (7) The diversion unit shall be responsible for advising a ~~((youth))~~ divertee of his or her rights as provided in this chapter.

~~((6))~~ (8) The right to counsel shall inure prior to the initial interview for purposes of advising the ~~((youth))~~ juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The ~~((youth))~~ juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The ~~((youth))~~ juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews ~~((shall))~~ mean all interviews regarding the diversion agreement process.

The ~~((youth))~~ juvenile shall be advised that a diversion agreement shall constitute a part of the ~~((youth's))~~ juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the ~~((youth))~~ juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((7))~~ (9) When a ~~((youth))~~ juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The ~~((youth's))~~ juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

~~((8))~~ (10) A diversionary unit may refuse to enter into a diversion agreement with a ~~((youth))~~ juvenile. It shall immediately refer such ~~((youth))~~ juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such ~~((youth))~~ juvenile fails to make restitution or perform community service as required by the diversion agreement.

~~((9))~~ (11) A diversionary unit may, in instances where it determines that the act or omission of an act for which a ~~((youth))~~ juvenile has been referred to it involved no victim, or where it determines that the ~~((youth))~~ juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a ~~((youth))~~ juvenile without entering into a diversion agreement: PROVIDED, That any ~~((youth))~~ juvenile so handled shall be advised that the act or omission of any act

for which he or she had been referred shall constitute a part of the ((youth's)) juvenile's criminal history as defined by RCW 13.40.020(6) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the ((youth)) juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language: PROVIDED FURTHER, That a ((youth)) juvenile determined to be eligible by a diversionary unit for such release shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other ((youth)) juvenile referred to the unit.

(12) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

Sec. 62. Section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) If notice is by summons, the clerk of the court shall issue a summons directed to the ((child)) juvenile, if the ((child)) juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

~~((2))~~ (3) A copy of the information shall be attached to each summons.

~~((3))~~ (4) The summons shall advise the parties of the right to counsel.

~~((4))~~ (5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the ((child)) juvenile to bring the ((child)) juvenile to the hearing.

~~((5))~~ (6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the ((child)) juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the ((child)) juvenile into custody and take the ((child)) juvenile to the place of detention or shelter designated by the court.

~~((6) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the party's address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.))~~

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided ((shall)) fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

Sec. 63. Section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held where:

(a) The respondent is sixteen or seventeen years of age and the ((petition)) information alleges a class A felony or an attempt to commit a class A felony; or

(b) The respondent is seventeen years of age and the ((petition)) information alleges assault in the second degree, extortion in the first degree, indecent liberties, kidnapping in the second degree, rape in the second degree, or robbery in the second degree.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 64. Section 66, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120 are each amended to read as follows:

The court shall hold an adjudicatory hearing on the information, and, after it has announced its findings of fact and its ((verdict)) decision, shall hold a hearing to consider disposition of the case pursuant to RCW 13.40.150 and 13.40.160, as now or hereafter amended, immediately following the adjudicatory hearing or at a continued hearing within fourteen days unless good cause is shown for a further continuance. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases ((shall)) may not be heard in conjunction with other business of any other division of the superior court.

Sec. 65. Section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, a hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its ((verdict)) decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its ((verdict)) decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudi-

catory hearing or plea of guilty unless held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

Sec. 66. Section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140 are each amended to read as follows:

(1) A ((youth)) juvenile shall be advised of his or her rights when appearing before the court.

(2) A ((youth)) juvenile and his or her parent, guardian, or custodian shall be advised by the court or its representative that the ((youth)) juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a ((youth;)) juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the ((youth's)) juvenile's family, in any proceeding where the ((youth)) juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the ((youth)) juvenile may be in danger of confinement ((or partial confinement)). The ability to pay part of the cost of counsel ((shall)) does not preclude assignment. In no case ((shall)) may a ((youth)) juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The ((youth)) juvenile shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel ((shall)) includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

(8) A juvenile shall be accorded the privilege against self-incrimination. An ((extra-judicial)) extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding ((shall)) may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained ((shall)) may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the ((child) juvenile. An ((extra-judicial)) extrajudicial admission or confession made by the ((child)) juvenile out of court is insufficient to support a finding that the ((child)) juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established.

(9) Waiver of any right which a ((child)) juvenile has under this chapter must be an express waiver intelligently made by the ((child)) juvenile after the ((child)) juvenile has been fully informed of the right being waived.

(10) Whenever this chapter refers to waiver or objection by a ((child)) juvenile, the word ((child)) juvenile shall be construed to refer to a ((child)) juvenile who is at least twelve years of age. If a ((child)) juvenile is under twelve years of age, the ((child's)) juvenile's parent, guardian, or custodian shall give any waiver or offer any

objection contemplated by this chapter.

Sec. 67. Section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; and

(v) The respondent was the leader of a criminal enterprise involving several persons(;;);

((+)) (4) The following factors ((shat)) may not be considered in determining the punishment to be imposed:

((+)) (a) The sex of the respondent;

~~((iii))~~ (b) The race or color of the respondent or the respondent's family;  
~~((iiii))~~ (c) The creed or religion of the respondent or the respondent's family;  
~~((iv))~~ (d) The economic or social class of the respondent or the respondent's family; and

~~((v))~~ (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter(;;).

~~((\*)~~ (5) A court ~~((shall))~~ may not commit a ~~((youth))~~ juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

Sec. 68. Section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for ~~((a determinate sentence consisting of))~~ the standard range of disposition for the offense.

If the court ~~((finds that a disposition within the standard range would effectuate a manifest injustice, the court may impose a disposition outside the range but only after it enters reasons upon which it bases))~~ concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range. A disposition ~~((imposed))~~ outside ~~((a))~~ the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision ~~((shall))~~ may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range. Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended.

(3) ~~((A juvenile appearing before the court for formal disposition who has))~~ Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement ~~((and who would otherwise be so entitled shall, if determined to be a first or minor offender, be referred to a diversionary unit under the supervision of which such youth may only be required to perform the term of community service and, where there is a victim, shall be required to make restitution under the limits specified in this chapter))~~, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) Where ~~((the))~~ a respondent is found to have committed an offense ~~((and))~~ which is neither a serious ~~((offender))~~ nor a minor or first ~~((offender, consistent with the purposes of this chapter the court shall: (a)(i) Where the appropriate))~~ offense:

(a) The court shall impose a determinate disposition within the standard

range(s) for such offense: PROVIDED, That if the standard range includes a ((period)) term of confinement exceeding thirty days, ((sentence the offender to the department for a term consisting of the appropriate standard range, or (ii) where the appropriate standard range does not include a period of confinement exceeding thirty days, sentence the offender to a determinate term within the appropriate standard range in which case the court shall consider only those)) commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating ((and)) or mitigating factors as set forth in RCW 13.40.150 ((and shall state its reasons for selecting the particular punishment imposed, or (b) shall impose a term of community supervision. If the court sentencing pursuant to subsection (a)(i) or (ii) of this section finds that a disposition within the standard range would effectuate a manifest injustice, it may impose a disposition other than community supervision outside the range but only after it)) as now or hereafter amended.

(c) Only if the court concludes, and enters reasons ((upon which it bases)) for its conclusions, that disposition ((within the standard range)) as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(6), as now or hereafter amended, shall be used to determine the range.

(d) A disposition ((so imposed outside the standard range may be appealed as provided in)) pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition ((within the standard range or of community supervision shall)) pursuant to subsection (4)(a) or (b) of this section is not ((be)) appealable under RCW 13.40.230 as now or hereafter amended.

(5) ((A court may require a juvenile offender to serve a period of partial confinement not to exceed thirty days or a period of confinement not to exceed the minimum period of confinement included within the standard range for the offense(s) for which he or she was found guilty, but in no case to exceed thirty days: PROVIDED, That such periods of partial confinement and confinement may be required only of youthful offenders who are: (a) Not sentenced to a sentence within a range established by the legislature; (b) not committed to the department; (c) not first and minor offenders; and (d) are serving terms of community supervision: PROVIDED FURTHER, That all such terms of partial confinement and confinement shall be served in a facility operated by or pursuant to a contract with a county or city.)) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

Sec. 69. Section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.190 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. ~~((: PROVIDED, That)).~~ The court ((shall)) may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution. In cases where an offender has been committed to the department for a period of confinement exceeding fifteen

weeks, restitution may be waived.

~~(2) ((When a respondent who has been ordered by a court to pay a fine or restitution, or to perform service for the public good fails to fulfill that order, the court upon the motion of the prosecutor or upon its own motion, shall require the respondent to show cause why the respondent should not be confined in a detention facility for nonfulfillment. The court may issue a summons or a warrant for arrest to compel the respondent's appearance.~~

~~(3) The respondent shall have the burden of showing that the nonpayment or nonfulfillment was not a wilful refusal and that he or she did not have the means and could not reasonably acquire the means to pay the fine or restitution or to perform the service for the public good. If the court finds that the default was wilful, it may order the youth detained in a county facility for one day for each twenty-five dollars of restitution or fine on which the youth wilfully defaulted or may order the youth detained in a county facility for one day for each eight hours of community service on which the youth wilfully defaulted)) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.~~

Sec. 70. Section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200 are each amended to read as follows:

~~((Consistent with the purposes of this chapter, if the respondent violates a condition of his or her community supervision, community supervision may be revoked or modified and further permissible punishment imposed pursuant to the provisions of this chapter. Such punishment may include a period of confinement and/or partial confinement in a county facility not to exceed thirty days. Community supervision may only be revoked or modified upon the same due process as would be afforded an adult alleged probation violator.)) (1) When a respondent fails to comply with an order of restitution, community supervision, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.~~

~~(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine or restitution or perform community service.~~

~~(3) (a) If the court finds that a respondent has wilfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days confinement.~~

~~(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.~~

Sec. 71. Section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210 are each amended to read as follows:

(1) The secretary shall, except in the case of a ((youth)) juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the ((youth)) juvenile was found to be guilty established pursuant to RCW 13.40.030, as now or hereafter amended, set a release or discharge date for each ((youth)) juvenile committed to its custody which shall be within the prescribed range to which a ((youth)) juvenile has been committed. Such dates shall be determined prior to the expiration of sixty percent of a ((youth's))

juvenile's minimum term of confinement included within the prescribed range to which the ((youth)) juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter: PROVIDED, That days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) Following the ((youth's)) juvenile's release pursuant to subsection (1) of this section, the secretary may require the ((youth)) juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months. The secretary shall, for the period of parole, facilitate the ((youth's)) juvenile's reintegration into his or her community and to further this goal may require the ((youth)) juvenile to: (a) Undergo available medical or psychiatric treatment; (b) report as directed to a parole officer; (c) pursue a course of study or vocational training; (d) remain within prescribed geographical boundaries and notify the department of any change in his or her address; and (e) refrain from committing new offenses. After termination of the parole period, the ((youth)) juvenile shall be discharged from the department's supervision.

(3) The department may also (~~revoke or~~) modify parole for violation thereof. If, after affording a ((youth)) juvenile all of the due process rights to which he or she would be entitled if the ((youth)) juvenile were an adult, the secretary finds that a ((youth)) juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (a) Continued supervision under the same conditions previously imposed; (b) intensified supervision with increased reporting requirements; (c) additional conditions of supervision authorized by this chapter; and (d) imposition of a period of ((partial)) confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision.

(4) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest such person.

Sec. 72. Section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs (~~shall~~) may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, or which imposes confinement for a minor or first offender, the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range, or nonconfinement for a minor or first offender, would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter.

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section

it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) Pending appeal, a respondent ~~((shall))~~ may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed and ~~((shall))~~ may not be detained if a first or minor offender: PROVIDED, That if the order of the disposition court is below the standard range, the respondent shall be committed or detained for no longer than the term set by the disposition court.

~~(6) ((Dispositions imposed by the disposition court shall not be final until either the deadline for appeal pursuant to state law or supreme court rule has passed without an appeal being taken, or the court of appeals has issued its decision on the appeal.))~~ Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

Sec. 73. Section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300 are each amended to read as follows:

(1) In no case ~~((shall))~~ may a ~~((delinquent))~~ juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the ~~((child's))~~ juvenile offender's twenty-first birthday. A ~~((delinquent))~~ juvenile ~~((shall))~~ may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the ~~((child's))~~ juvenile'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))~~:

(a) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or

(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard range of disposition for the offense and the sentence includes a period beyond the ~~((child's))~~ juvenile's eighteenth birthday and the court by written order setting forth its reasons ~~((therefor))~~ extends jurisdiction of juvenile court over the juvenile offender for that period; or

(c) Proceedings are pending seeking the adjudication of a juvenile offense or seeking an order of disposition and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday.

(2) In no event ~~((shall))~~ may the juvenile court have authority to extend jurisdiction over any ~~((delinquent))~~ juvenile offender beyond the juvenile~~((s))~~ offender's twenty-first birthday.

(3) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

**NEW SECTION.** Sec. 74. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

The provisions of RCW 10.01.040 apply to chapter 13.40 RCW.

Sec. 75. Section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090 are each amended to read as follows:

Upon the filing of a petition for adoption, the court shall cause an investigation of the propriety of the adoption to be made. The court shall appoint an approved agency or any qualified salaried court employee or any other suitable and proper person as next friend of the child to make such investigation. The investigation shall be made without expense to the petitioners. The investigator appointed by the court shall make a report in writing to the court within sixty days from the time of the

the appointment unless further time be granted by the court. Such report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, the religion of the child, if any, and if unknown, then the report shall designate unknown, the parents of the child, and the home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. Such report shall also include, where relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band. Any preplacement report on the petitioner required by this chapter to be filed with the court shall be made available to the next friend; the next friend may in his discretion rely on its contents and adopt its recommendations and may incorporate the same in the report of the next friend.

When the object of the adoption proceeding is the petition of a parent to adopt the child of the other spouse, the report of the next friend shall be made within ten days of the date of appointment, unless such time is extended by the court, and in such cases the court may dispense with formal written report and require such information as the court deems necessary in the particular case as to the propriety of the adoption.

Sec. 76. Section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or ((delinquency)) criminal behavior of children;

(2) Protecting and caring for homeless, dependent, or neglected children;

(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

(4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

Sec. 77. Section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, ((extends aid to)) aids, and strengthens services for the protection and care of homeless, runaway, dependent ((children)), or neglected children((; or juvenile offenders)).

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, ((guardians;)) legal custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, ((guardians;)) legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(3) Offer, on a voluntary basis, crisis intervention to families who are in conflict. Private and public entities which intend to contract with the department to offer crisis intervention services shall provide, prior to entering into the contract, a

written rationale for the service model or models to be offered by the agency, which shall include a description of the type of service or services to be offered, a service impact statement describing the anticipated effects of the types of services to be provided, and any evidence available to justify the service impact statement.

(Crisis intervention services (a) shall consist of an interview or series of interviews with the child or his or her family, as needed, conducted within a brief period of time by qualified professional persons, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or the family; and (b) may include, but are not limited to, the provision of or referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

Nothing in this section shall prohibit an officer of the child welfare services from referring any child who, as a result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive towards others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070.

(4) Have authority to accept for temporary residential care in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW a child who has been taken into limited custody pursuant to RCW 13.30.020: PROVIDED, That a juvenile shall in no event remain in temporary residential care for a period longer than seventy-two hours from the time of the juvenile's initial contact with the law enforcement officer except as otherwise provided in this section. Upon accepting the child, the staff of the facility shall notify the child's parents or custodian of his or her whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement and shall undertake to make arrangements for the child's return home.

In every case crisis intervention services shall be provided as needed and the staff of the temporary facility shall seek to effect the child's return home or alternative living arrangement agreeable to the child and the parent or custodian as soon as practicable.

(a) If, after his or her admission to a temporary residential facility, a child who is absent from home without permission and his or her parent or custodian agrees to the child's return home, the staff of the facility shall arrange transportation for the juvenile, as soon as practicable, to the county of residence of the parent or custodian, at the latter's expense to the extent of his or her ability to pay.

(b) If the child refuses to return home and if no other living arrangements agreeable to the child and the parent or custodian can be made, the staff of the facility shall arrange transportation for the child to a temporary nonsecure residential facility in the county of residence of the parent or custodian, at the expense of the latter to the extent of his or her ability to pay. If there is no such facility in the county of that residence, the nearest such facility to that residence shall be used.

(c) If a child's legal residence is outside the state of Washington and such child refuses to return home, the provisions of RCW 13.24.010 shall apply.

(d) If the parent or custodian refuses to permit the child to return home, and no other living arrangement agreeable to the child and the parent or custodian can be made, staff of the child welfare services section shall notify the juvenile court to appoint legal counsel for the child and shall file a dependency petition in the juvenile court in the jurisdiction of the residence of the parent or custodian.

(e) If a child and his or her parent or guardian agree to an arrangement for alternative residential placement, such placement may continue as long as there is agreement. During any alternative residential placement, there shall be provided to the child and to his or her family such services as may be appropriate to the partic-

ular case, to the end that the child may be reunited with the family as soon as practicable:

~~(f) If such child and his or her parent or custodian cannot agree to an arrangement for alternative residential placement in the first instance, or cannot agree to the continuation of such placement, the child or his or her parent or custodian may file with the juvenile court a petition to approve alternative residential placement pursuant to RCW 13.32.020. The child shall remain in the placement where he or she is located at the time a petition to approve alternative residential placement is filed until a placement decision is made pursuant to RCW 13.32.040.~~

~~(g) In no event shall alternative residential placement for a child in conflict with his or her family be arranged in a secure detention facility or in a secure institution except as provided in this subsection and RCW 13.34.140. A child in conflict with his or her parents may be detained in a secure detention facility operated by a county for a maximum of seventy-two hours if:~~

~~(i) The staff of the child welfare services section find that the child taken into limited custody has previously been placed in alternative residential care and has run away from such placement and that it is likely that the child will run away from another and different residential placement; or~~

~~(ii) The child refuses to return home and refuses to be placed in alternative residential care.~~

~~During such detention, efforts shall be continued to the end that the child may be returned home or other living arrangements agreeable to the child and his or her parent, guardian, or custodian are made. If an agreement concerning living arrangements for the child cannot be reached a petition shall be filed within forty-eight hours after initial detention of the child, pursuant to subsection (4)(f) of this section. The hearing on the petition shall be held within seventy-two hours, excluding Sundays and holidays, of the initial detention of the child. If the hearing on the petition is not held within these time limits the child shall be released from detention.~~

~~(5) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children including but not limited to contracting with private and public entities to provide basic education and vocational training and crisis intervention services.~~

~~(6) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed:)) (4) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities on behalf of children, including but not limited to, contracting with private and public entities; and contract with local nonprofit social service agencies for all levels of crisis intervention services to the extent permissible by law and avoid duplicate service delivery systems for crisis intervention services to the extent permissible by law.~~

(5) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed.

(6) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(7) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(8) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

(9) Notwithstanding any other provision of (~~chapter 13.30 RCW, RCW 74.13.020, and this section;~~) sections 31 through 34 and 78 through 82 of this 1979 act, or of this section all services to be provided by the department of social and health services under subsections (3) and (4) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Title II of the federal juvenile justice and delinquency prevention act of 1974 (P.L. No. 93-415; 42 U.S.C. 5634 et seq.).

NEW SECTION. Sec. 78. (1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in section 23 of this act.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in section 23 of this 1979 act. The responsibilities stated in section 23 of this 1979 act may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

NEW SECTION. Sec. 79. (1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, to a community mental health center pursuant to RCW 72.23.070 or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by sections 15 through 34 of this 1979 act. In providing these services, the facility shall:

- (a) Interview the juvenile as soon as possible;
- (b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;
- (c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and
- (d) Provide additional crisis counseling as needed, to the end that placement of

the child in the crisis residential center will be required for the shortest time possible, but not to exceed seventy-two hours.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in section 19 of this 1979 act. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed seventy-two hours on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed seventy-two hours.

**NEW SECTION.** Sec. 80. (1) A child taken into custody and taken to a crisis residential center established pursuant to section 78(2) of this 1979 act may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in section 27 of this 1979 act.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure detention facility operated by the county in which the center is located for a maximum of twenty-four hours, including Saturdays, Sundays, and holidays, if the person in charge of the crisis residential center finds that the child is severely, emotionally, or behaviorally disturbed to the point that the child is suicidal, seriously assaultive, or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if the person in charge of the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave, may be taken to a secure detention facility subject to the provisions of this section: **PROVIDED,** That juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in section 79(2) of this 1979 act. If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within forty-eight hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in section 27 of this 1979 act.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by December 1, 1980, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure. As of that date the crisis residential centers will not be authorized to place children in secure facilities pursuant to this section.

**NEW SECTION.** Sec. 81. Crisis residential centers shall compile yearly

records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

A center may, in addition to being licensed as such, also be licensed as a family foster home or group care facility and may house on the premises juveniles assigned for foster or group care.

**NEW SECTION.** Sec. 82. The department of social and health services shall oversee implementation of chapter 13.34 RCW and sections 15 through 34 of this 1979 act. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that this 1979 act is implemented in a uniform manner throughout the state. The department shall make periodic reports to the governor and to the legislature regarding implementation of the chapters cited in this section and shall report any violations and misunderstandings regarding the implementation thereof. Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

Sec. 83. Section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020 are each amended to read as follows:

For the purpose of chapter 74.15 RCW (~~RCW 74.32.040 through 74.32.055~~) and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

- (1) "Department" means the state department of social and health services;
- (2) "Secretary" means the secretary of (~~the state department of~~) social and health services;
- (3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or developmentally disabled persons for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or developmentally disabled persons for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or developmentally disabled persons for services rendered:
  - (a) "Group-care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis;
  - (b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;
  - (c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;
  - (d) "Day-care center" means an agency which regularly provides care for a

group of children for periods of less than twenty-four hours; ((and))

(e) "Foster-family home" means an agency which regularly provides care during any part of the twenty-four hour day to one or more children, expectant mothers or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or developmentally disabled person is placed; and

(f) "Crisis residential center" means an agency which is a temporary protective residential facility operated by the department to perform the duties specified in sections 15 through 34 of this 1979 act, in the manner provided in sections 78 through 82 of this 1979 act.

"Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother or developmentally disabled persons in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother or developmentally disabled persons;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under RCW 72.33.810;

(k) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund.

(4) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

NEW SECTION. Sec. 84. There is added to chapter 74.15 RCW a new section to read as follows:

The department, pursuant to rules, may enable any licensed foster family home or group care facility to be designated as a semi-secure facility, as defined by section 17 of this 1979 act.

NEW SECTION. Sec. 85. Sections 15 through 34 of this 1979 act shall constitute a new chapter in Title 13 RCW.

Sections 78 through 82 of this 1979 act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270;

(2) Section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272;

- (3) Section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274;
- (4) Section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010;
- (5) Section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020;
- (6) Section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030;
- (7) Section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040;
- (8) Section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010;
- (9) Section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020;
- (10) Section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030;
- (11) Section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040;
- (12) Section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050;
- (13) Section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140;
- (14) Section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; and
- (15) Section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400.

**NEW SECTION.** Sec. 87. There is appropriated to the department of social and health services for the period July 1, 1979, to June 30, 1981, from the general fund the sum of three million one hundred twenty-seven thousand two hundred fifty-one dollars, or so much thereof as may be necessary, for the establishment of crisis residential centers throughout the several judicial districts of the state.

**NEW SECTION.** Sec. 88. 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. 89. 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 Donohue, the following amendment to the amendment by Senator Marsh was adopted:

On page 141, beginning on line 21 of the Marsh amendment, after "sum of" strike "three million one hundred twenty-seven thousand two hundred fifty-one" and insert "one million one hundred thousand"

On motion of Senator Shinpoch, the following amendment to the amendment by Senator Marsh was adopted:

On page 127, line 7 of the Marsh amendment, after "entities" strike all the matter down through "law" on line 14 and insert "PROVIDED, That whether or not the above mentioned services are contracted the department shall monitor and administer intake services to the extent that there is a standardized intake system which shall include uniform eligibility criteria and shall yield the type of data enumerated in section 81 of this act"

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

Beginning on page 127, delete lines 1 through 14 and substitute: Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities on behalf of children. Contract with local agencies for the provision of crisis intervention services including crisis intake and counseling in Class A and AA counties and counties of the first class. If agreement is obtained from the office of financial management that said services are not available at reasonable cost in said county or counties, purchase of services in said counties is not required: PROVIDED, That when contracting for the above mentioned services the department shall monitor and administer intake services to the extent that there is a standardized intake system which shall include uniform eligibility criteria and shall yield the type of data enumerated in Section 81 of this act."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the amendment by Senator

Marsh.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent or not voting, 1; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Hayner, Jones, Lee, Lewis, Matson, McDermott, Morrison, Newschwander, North, Quigg, Ridder, Scott, Sellar, von Reichbauer, Wanamaker, Wojahn—21.

Voting nay: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, Moore, Odegaard, Peterson, Pullen, Rasmussen, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wilson, Woody—26.

Absent or not voting: Senator Guess—1.

Excused: Senator Keefe—1.

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

On motion of Senator Marsh, the following amendment to the title was adopted:

On page 1, beginning on line 1 of the title, strike everything after "juveniles" and insert "; amending section 9A.76.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 53, chapter 291, Laws of 1977 ex. sess. and RCW 9A.76.010; amending section 2, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.011; amending section 3, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.021; amending section 2, chapter 160, Laws of 1913 as last amended by section 4, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.030; amending section 5, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.033; amending section 6, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.035; amending section 3, chapter 160, Laws of 1913 as last amended by section 8, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.040; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 14, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.278; amending section 31, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.030; amending section 33, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.050; amending section 34, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.060; amending section 6, chapter 160, Laws of 1913 as amended by section 35, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.070; amending section 7, chapter 160, Laws of 1913 as last amended by section 36, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.080; amending section 37, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.090; amending section 38, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.100; amending section 5, chapter 302, Laws of 1961 as amended by section 39, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.110; amending section 40, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.120; amending section 41, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.130; amending section 46, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.180; amending section 47, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.190; amending section 49, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.210; amending section 56, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.020; amending section 57, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.030; amending section 58, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.040; amending section 59, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.050; amending section 60, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.060; amending section 61, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.070; amending section 62, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.080; amending section 64, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.100; amending section 65, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.110; amending section 66,

chapter 291, Laws of 1977 ex. sess. and RCW 13.40.120; amending section 67, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.130; amending section 68, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.140; amending section 69, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.150; amending section 70, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.160; amending section 73, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.190; amending section 74, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.200; amending section 75, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.210; amending section 77, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.230; amending section 1, chapter 170, Laws of 1975 1st ex. sess. and RCW 13.40.300; amending section 17, chapter 172, Laws of 1967 as last amended by section 22, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.031; amending section 9, chapter 291, Laws of 1955 as amended by section 1, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.090; amending section 3, chapter 30, Laws of 1965 as last amended by section 21, chapter 291, Laws of 1977 ex. sess. and RCW 74.13.020; amending section 2, chapter 172, Laws of 1967 as amended by section 71, chapter 80, Laws of 1977 ex. sess. and RCW 74.15.020; adding a new section to chapter 291, Laws of 1977 ex. sess. and to chapter 13.04 RCW; adding a new section to chapter 13.24 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW; adding new chapters to Title 13 RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; creating new sections; repealing section 10, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.270; repealing section 11, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.272; repealing section 12, chapter 291, Laws of 1977 ex. sess. and RCW 13.04.274; repealing section 16, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.010; repealing section 17, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.020; repealing section 18, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.030; repealing section 19, chapter 291, Laws of 1977 ex. sess. and RCW 13.30.040; repealing section 23, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.010; repealing section 24, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.020; repealing section 25, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.030; repealing section 26, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.040; repealing section 27, chapter 291, Laws of 1977 ex. sess. and RCW 13.32.050; repealing section 42, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.140; repealing section 71, chapter 291, Laws of 1977 ex. sess. and RCW 13.40.170; repealing section 54, chapter 291, Laws of 1977 ex. sess. and RCW 26.09.400; making an appropriation; prescribing penalties; and declaring an emergency."

On motion of Senator Marsh, the rules were suspended, Engrossed Substitute Senate Bill No. 2768 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, one question I want to ask you: Juvenile justice bill was passed last time with the intention that they were going to come back and tune it up in a special session the following year. Is this bill in a shape that it can stand? It is not our intention to come back next year for a session and will this bill stand for two years as good legislation?"

Senator Hayner: "It is certainly far better legislation than we had before. It is not perfect. We will, I am sure, find some more bugs in it, but it will stand until the next time we meet I am sure."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2768, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2768, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2422.

## SECOND READING

SENATE BILL NO. 2422, by Senator Day:

Revising laws relating to certain health care professionals.

## MOTION

On motion of Senator Day, Substitute Senate Bill No. 2422 was substituted for Senate Bill No. 2422 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2422 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2422, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2433.

## SECOND READING

SENATE BILL NO. 2433, by Senators Day, Ridder and Shinpoch:  
Revising the definition of unemployable persons.

## REPORT OF STANDING COMMITTEE

February 13, 1979.

SENATE BILL NO. 2433, revising the definition of unemployable persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after "security" insert ", by rule and regulation,"

On page 2, line 11, after "employment" insert "or work training"

On page 2, line 12, after "employment" insert ": PROVIDED, That the director of employment security shall promulgate rules and regulations setting forth those conditions or circumstances that constitute an obstacle preventing referral of a person to any employment opportunity"

Signed by: Senators Day, Chairman; Moore, Vice Chairman, Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

Senator Day moved the committee amendments be considered and adopted simultaneously.

## POINT OF INQUIRY

Senator Clarke: "Senator Day, I am a little concerned about the connotation of the word 'any' employment, which is both in your amendment and also in the change made in this bill. Now, does that any employment opportunity mean if there is a single opportunity that the particular infirmity would prevent him from being employed, that you were saying that then he is unemployable, or by the word 'any' do you mean that the infirmity is such that he could not be employed in any of many employable opportunities? I think that can be construed either way and I would like to know what the intent is?"

Senator Day: "The intent is the latter, Senator Clarke. That if he is totally unemployable so he could not take any employment opportunity because of, for example, let us say the man had a vision problem and he needed glasses.

"I might as well explain the bill. What the bill is intended to do . . ."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Day, I have been quickly scanning this bill and attempting to find where in the bill that it says the department of social and health must recognize the rules of employment security. Now, maybe it is in there, but I find it hard to understand and we have this difficulty with the department's frequently, one will adopt a rule or regulation that is contrary to what some other department is doing. Where does it say that social and health is bound by the rules as defined with employment security?"

Senator Day: "What we are doing is amending their own statute which refers to public assistance, defines the department of social and health services, defines the secretary, on the first page, and what we are doing is amending the definition in their department of unemployable to include the department of employment security and the rules drawn by the department of employment security, thereby those rules are applicable relative to employability by the department of social and health services."

Senator Rasmussen: "Well, I think you are full of good intentions, but I do not think they are going to follow that. Let me give you an example."

Senator Day: "Of course, Senator, if they are not going to follow what we have put into the law relative to their own department, then you may be correct, but they will be violating this act if they do not."

Senator Rasmussen: Well, that is an easy answer, Senator Day, but what employment, to give you an example though, the social security many times do not recognize a disabled worker as being disabled under their rules, where industrial insurance does recognize them and so you have two different—one is federal agency, that is true, but here you have two state agencies and there is no absolute provision that they have to adopt the same rules as their guidelines. I think we are whistling in the wind."

Senator Day: "I will try once more, Senator. We are amending the law relative to the department of social and health services and on page two of the bill. Page one defines what public assistance is, defines what the department means, social and health services, defines the secretary instead of the director. It actually is clean up language and then we are amending their own directions here relative to general assistance, unemployable persons as far as department of social and health services is concerned now will include a definition and rules providing the support of that definition by the department of employment security."

"Now, it would seem plausible to me that if employment security writes these defining rules and regulations that they would be those that they would agree to themselves and then they are mandated in the law relative to DSHS. Thereby we have a standard for unemployable persons in the state instead of two standards where one department can send a person over as employable and the other department can say they are not and I think that it is an unfair thing the way it is and it must be rather frustrating. And, this should straighten it out."

The motion by Senator Day carried and the committee amendments were adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2433 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 Day, this is not in relation to the new material, Senator Day, this is in relation on page three, line twelve, 'provided, that in the opinion of three physicians the recipient will be unable to return to the home during his lifetime and the home is not occupied by a spouse, or dependent children or disabled sons or daughters'. My understanding in testimony before the ways and means committee, the department of social and health said that they were not enforcing this and in line with the Governor's suggestion that the home remain there in case the recipient should come back. Has that come up in your committee? Do you know if that has been amended out of the law?"

Senator Day: "No, I do not."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2433, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2433, having received the constitutional majority, was declared passed. 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, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 7, 1979.

SENATE BILL NO. 2865, regulating political advertising (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2865 be substituted therefor, and that Substitute Senate Bill No. 2865 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Lewis, Marsh, Peterson.

Passed to Committee on Rules for second reading.

March 7, 1979.

SENATE BILL NO. 3115, reenacting prior double amendment relating to types of insurance boards of regents or trustees may provide as one of its 1973 versions (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Shinpoch.

Passed to Committee on Rules for second reading.

March 7, 1979.

SENATE BILL NO. 3143, disallowing tenure for faculty hired at community colleges as replacements for faculty on leave (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott, Shinpoch.

Passed to Committee on Rules for second reading.

#### SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 2252.

#### MOTION

At 5:20 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Thursday, March 8, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**SIXTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, March 8, 1979.

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, Keefe and Wojahn. On motion of Senator Wilson, Senators Fleming, Keefe and Wojahn were excused.

The Color Guard, consisting of Pages Patty Stribre and Chris Mitsules, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

**'O GOD, THE CREATOR OF THE HUMAN SPIRIT AND THE AUTHOR OF ALL HUMAN POTENTIAL, AS PRESIDENT CARTER BEGINS HIS MISSION FOR PEACE, FIRST IN CAIRO, THEN IN JERUSALEM, WE BOLDLY ASK THAT YOU WILL BLESS HIS MISSION WITH SUCCESS.**

**'IN THAT REGION WHERE ANGELS SANG OF 'PEACE AMONG PERSONS OF GOODWILL,' WE ASK THAT ANGEL VOICES MAY AGAIN BE HEARD FOR PEACE, THAT HEAVENLY MUSIC MAY AGAIN RESOUND FOR PEACE.**

**'FOR IT IS THE ORDINARY CITIZENS WHO WILL BE CURSED BY MORE HOSTILITIES, AND BLESSED BY LASTING TRANQUILITY — ORDINARY CITIZENS NOT ONLY THE CITIZENS OF EGYPT AND ISRAEL, BUT ALSO THOSE OF THE WHOLE HUMAN FAMILY. LET THE SPIRIT OF PEACE AND GOODWILL REIGN AND CONTROL TODAY, NOT ONLY IN THE MIDDLE EAST, BUT ALSO AMONG THE LEADERS OF WASHINGTON STATE, ON THIS FLOOR AND ON THE FLOOR BELOW.**

**'WE THANK YOU FOR STRONG LEADERS IN THE GOVERNOR AND IN THE LEGISLATURE. LET NO NARROW VISION, NO HURT FEELINGS, NO SHOW OF AUTHORITY, NO FAVORITE PROJECTS INHIBIT THE SPIRIT OF PEACE AND PROGRESS FOR WHICH THEY LABOR NOR FRUSTRATE THE POTENTIAL FOR GOOD WHICH THEY POSSESS WHEN THEY WORK IN CONCERT.**

**'LEAD WHERE YOU CAN, O GOD, AND INTERVENE WHERE YOU MUST, THAT THE BLESSINGS OF PURPOSEFUL PEACE MAY BELONG TO ALL YOUR CHILDREN THIS DAY AND ALWAYS. IN THE MASTER'S NAME. SO BE IT.'**

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 7, 1979.

**SENATE BILL NO. 2666, specifying rights and liabilities on public works contracts involving public utility lines (reported by Committee on Energy and Utilities):**

MAJORITY recommendation: That Substitute Senate Bill No. 2666 be substituted therefor, and that Substitute Senate Bill No. 2666 do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, North, Woody.

Passed to Committee on Rules for second reading.

March 7, 1979.

SENATE BILL NO. 3033, changing laws concerning irrigation district's revenue bonds (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 3033 be substituted therefor, and that Substitute Senate Bill No. 3033 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Gaspard, Wanamaker.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

March 7, 1979.

Mr. President: The Speakers have signed:

SUBSTITUTE HOUSE BILL NO. 112,

SUBSTITUTE HOUSE BILL NO. 175,

SUBSTITUTE HOUSE BILL NO. 195,

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

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 6,

SUBSTITUTE HOUSE BILL NO. 16,

HOUSE BILL NO. 65,

HOUSE BILL NO. 66,

HOUSE BILL NO. 69,

HOUSE BILL NO. 126,

HOUSE BILL NO. 140,

HOUSE BILL NO. 226,

HOUSE BILL NO. 230,

SUBSTITUTE HOUSE BILL NO. 264,

SUBSTITUTE HOUSE BILL NO. 333,

HOUSE BILL NO. 365,

HOUSE BILL NO. 482,

HOUSE BILL NO. 585,

HOUSE BILL NO. 588,

HOUSE BILL NO. 602,

HOUSE BILL NO. 636,

HOUSE BILL NO. 677,

SUBSTITUTE HOUSE BILL NO. 704,

HOUSE BILL NO. 735,

HOUSE BILL NO. 754,

HOUSE BILL NO. 778,

HOUSE BILL NO. 802, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 6,  
 SUBSTITUTE HOUSE BILL NO. 16,  
 HOUSE BILL NO. 65,  
 HOUSE BILL NO. 66,  
 HOUSE BILL NO. 69,  
 HOUSE BILL NO. 126,  
 HOUSE BILL NO. 140,  
 HOUSE BILL NO. 226,  
 HOUSE BILL NO. 230,  
 SUBSTITUTE HOUSE BILL NO. 264,  
 SUBSTITUTE HOUSE BILL NO. 333,  
 HOUSE BILL NO. 365,  
 HOUSE BILL NO. 482,  
 HOUSE BILL NO. 585,  
 HOUSE BILL NO. 588,  
 HOUSE BILL NO. 602,  
 HOUSE BILL NO. 636,  
 HOUSE BILL NO. 677,  
 SUBSTITUTE HOUSE BILL NO. 704,  
 HOUSE BILL NO. 735,  
 HOUSE BILL NO. 754,  
 HOUSE BILL NO. 778,  
 HOUSE BILL NO. 802.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 112,  
 SUBSTITUTE HOUSE BILL NO. 175,  
 SUBSTITUTE HOUSE BILL NO. 195,  
 HOUSE BILL NO. 806.

#### MESSAGE FROM THE HOUSE

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 319, except the following amendment:

On page 3, after line 2, insert the following:

"(4) It is the intent of this section to create an in-service program for full time employees to enhance their career development." and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Goltz, the Senate receded from its amendment to page 3, after line 2.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 319, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day,

Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—45.

Absent or not voting: Senator Morrison—1.

Excused: Senators Fleming, Keefe, Wojahn—3.

SUBSTITUTE HOUSE BILL NO. 319, as amended by the Senate, having received the 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, the Senate commenced consideration of Senate Bill No. 2465.

#### SECOND READING

SENATE BILL NO. 2465, by Senators Odegaard, Goltz, Donohue, McDermott and Williams:

Prorating on a twelve-month basis the retirement credit of classified employees of institutions of higher education.

#### MOTIONS

On motion of Senator Odegaard, Second Substitute Senate Bill No. 2465 was substituted for Senate Bill No. 2465 and the second substitute bill was read the second time in full.

Senator Gould moved adoption of the following amendment:

On page 8, after line 21, insert the following:

"Sec. 2. Section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.190, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the retirement board, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: PROVIDED, That any member who reentered service outside the ten-year period formerly provided by this subsection, and by reason of the former language of this section was not allowed to restore withdrawn contributions, shall have two years from (~~(April 25, 1973))~~ July 1, 1979, to restore said contributions: AND PROVIDED FURTHER, That any member who reentered service within the ten-year period formerly provided by this section, and who failed to restore withdrawn contributions within the three or five years previously allowed, shall now have two years from (~~(April 25, 1973))~~ July 1, 1979, to restore said contributions, with interest as determined by the retirement board.

(3) A member who separates or has separated after having completed at least

five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

Sec. 3. Section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310 are each amended to read as follows:

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments on or before June 30 of the fifth school year of his membership. Payments covering all types of membership service credit must be made in a lump sum when due, or in annual installments. The first annual installment of at least twenty percent of the amount due must be paid before the above deadline date, and the final payment must be made by June 30th of the fourth school year following that in which the first installment was made. The amount of payment and the interest thereon, whether lump sum or installments, shall be made by a method and in an amount established by the board of trustees: PROVIDED, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330: PROVIDED FURTHER, That ~~((a member who was not permitted to establish credit pursuant to section 2, chapter 32, Laws of 1973 2nd ex. sess.))~~ members shall be permitted to establish credit for Washington teaching service previously rendered ~~((, must present proof and make))~~ upon presenting proof and making the necessary payment to establish such credit as membership service credit. Payment for such credit must be made in a lump sum on or before June 30, ~~((1974. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974.))~~ 1981, or, if not employed on the effective date of this ~~((amendment))~~ 1979 act, before June 30th of the fifth school year upon returning to public school employment in this state, with interest at a rate to be established by the director of the department of retirement systems."

### MOTIONS

On motion of Senator Marsh, the amendment by Senator Gould was laid upon the table.

On motion of Senator Odegaard, the rules were suspended, Second Substitute Senate Bill No. 2465 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 Odegaard, this picking up of the six month's service, we attempted to amend the pension bill two years ago and get that. We were told that that was provided for in that legislation and that evidently was not so."

Senator Odegaard: "As I understand it it is provided for under the new plan, but not under the old plan, plan one, and this would allow that for the employees under the original system."

Senator Rasmussen: "Do you have any idea how the department is going to notify the employees so that we may get all of them? This is open end now as I understand it, that they may come in at any time that they become aware of it? They got their six months, there is no cutoff date?"

Senator Odegaard: "In the notification, I do not know just how they will handle that, but I imagine they would have ways of getting the message out."

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2465 and the bill passed the Senate by the following: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallaghan, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones,

Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—46.

Absent or not voting: Senator Bluechel—1.

Excused: Senators Keefe, Wojahn—2.

SECOND SUBSTITUTE SENATE BILL NO. 2465, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Engrossed House Bill No. 288.

### SECOND READING

ENGROSSED HOUSE BILL NO. 288, by Representatives McCormick, Wilson, Gallagher, Bond, Addison and Douthwaite:

Encouraging the use of nonpolluting fuels.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED HOUSE BILL NO. 288, encouraging the use of non-polluting fuels (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, delete "~~((until July 1, 1979))~~ and insert "until July 1, ((1979)) 1983,"

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, Lysen, North, Wilson. The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendment was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill No. 288, 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. 288, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Bluechel—1.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 288, as amended by the Senate, having received the constitutional majority, 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. 328, by Committee on Energy and Utili-

ties (originally sponsored by Representatives Haley, McCormick, Martinis and Charnley):

Revising the law relating to energy facility site locations.

The bill was read the second time by sections.

#### MOTION

At 11:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:28 p.m.

#### NOON SESSION

The President called the Senate to order at 12:28 p.m.

#### MOTION

At 12:30 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:15 p.m.

#### MOTIONS

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

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1979-23	Disposition of residual/nonmerchantable timber—study
1979-24	Medicare certification of nursing homes—study
1979-26	Disposition RARE II lands—study
1979-27	Guidance of allocation RARE II lands—study
1979-29	Management commori school construction fund—study
1979-31	Program of privately owned salmon rearing facilities—study

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 7, 1979.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 18 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Wilson, Senator Talley was excused.

## MOTION

On motion of Senator Marsh, the Senate receded from its amendments to House Bill No. 18.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 18 without the Senate amendments.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 18, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Talley—2.

HOUSE BILL NO. 18, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed Substitute House Bill No. 29.

## MESSAGE FROM THE HOUSE

March 7, 1979.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 29 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Rasmussen, the Senate refused to recede from the Senate amendments to Engrossed Substitute House Bill No. 29 and once again asks the House to concur.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Substitute House Bill No. 133.

## MESSAGE FROM THE HOUSE

March 7, 1979.

Mr. President: The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 133 and asks the Senate to recede therefrom, and said bill together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Wilson, the Senate refused to recede from the Senate amendments to Substitute House Bill No. 133 and once again asks the House to concur.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of the House Message on Engrossed House Bill No. 149.

## MESSAGE FROM THE HOUSE

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 149, except the following amendments:

On page 1, line 13, after "seven" strike "or so much thereof as may be necessary"

On page 1, line 17, after "fund" strike all the material down to and including "authority" on line 19, and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Marsh, the Senate refused to recede from the Senate amendments on page 1, line 13 and line 17 and once again asks the House to concur therein.

## MOTION

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 328, by Committee on Energy and Utilities (originally sponsored by Representatives Haley, McCormick, Martinis and Charnley):

Revising the law relating to energy facility site locations.

The Senate resumed consideration of Substitute House Bill No. 328. Earlier today, the bill had been read the second time.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard, Goltz and Wilson:

On page 4, after line 9, insert the following:

"Sec. 2. Section 2, chapter 45, Laws of 1970 ex. sess. as last amended by section 2, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.020 are each amended to read as follows:

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter;

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires;

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, pub-

lic or private, however organized;

(4) "Site" means any proposed or approved location of an energy facility;

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility;

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of 200,000 volts to connect a thermal power plant to the northwest power grid: PROVIDED, That transmission facilities as defined in subsection (7) of this section, common carrier railroads, or motor vehicles shall not be included;

(7) "Transmission facility" means any of the following together with ((their associated)) ancillary facilities necessary for control and transmission of products through the pipeline:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquified petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission;

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies;

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities;

(10) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense;

(11) "Council" means the energy facility site evaluation council created by RCW 80.50.030;

(12) "Counsel for environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080;

(13) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars;

(14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of two hundred fifty thousand kilowatts or more and floating thermal power plants of fifty thousand kilowatts or more, including associated facilities;

(b) Facilities which will have the capacity to receive liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquified petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products;

(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapters 35.63, 35A.63, or 36.70 RCW;

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

Sec. 3. Section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090 are each amended to read as follows:

(1) The council shall conduct a public hearing, conducted as a contested case under chapter 34.04 RCW, in the county of the proposed site within sixty days of receipt of an application for site certification (~~(-PROVIDED, That)~~) to receive evidence as to whether the application is consistent and in compliance with applicable land use plans and zoning ordinances, or, if no such plans or ordinances have been adopted, with other applicable ordinances, resolutions, or acts of the local legislative authority in effect as of the date of application. The place of such public hearing shall be as close as practical to the proposed site. For an application for an energy facility with a multicounty site, a series of hearings in the several counties shall begin within sixty days of the application for site certification. The council may consolidate hearings among counties when the consolidation is approved by the appropriate county legislative authorities.

The council shall also conduct a public hearing in the county or counties of the proposed site to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views.

(2) The council (~~(must)~~) shall determine (~~(at the initial public hearing)~~), prior to conducting a hearing pursuant to subsection (3) of this section, whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances, or, if no such plan or ordinance has been adopted, with other ordinances, resolutions, or acts of the local legislative authority. Upon receipt of notification from the council that an application has been filed, a city, county, or regional planning authority, or if no such authority exists, the local legislative authority, shall file with the council within ten days certified copies of applicable land use plans and zoning ordinances, or other applicable ordinances, resolutions, or acts of the local legislative authority, in effect as of the date of the application. If it is determined that the proposed site (~~(does conform)~~) is consistent and in compliance with existing land use plans or zoning ordinances, or, if no such plan or ordinance has been adopted, with other ordinances, resolutions, or acts of the local legislative authority, in effect as of the date of the application, the (~~(county)~~) local

legislative authority or regional planning authority shall not thereafter change ((such)) the applicable land use plans ((or)), zoning ordinances, or other resolutions, acts, or ordinances so as to affect the proposed site unless the application for certification is subsequently rejected or withdrawn.

If it is determined that the site is not consistent or in compliance with existing land use plans or zoning ordinances, or, if no such plan or ordinance has been adopted, with other existing ordinances, resolutions, or acts of the local legislative authority, in effect as of the date of application:

(a) In the case of an energy plant, the applicant may request modification of the plans or ordinances by the local legislative authority, which shall determine within one hundred twenty days whether to grant or deny the modification. Further processing of the application by the council shall terminate and unexpended portions of any fees paid by the applicant shall be returned upon a decision to deny the modification. Until such decision is made, the council may, at the applicant's request, continue processing the application: PROVIDED, That the council shall not report its recommendation to the governor pursuant to RCW 80.50.100(1) as now or hereafter amended. Upon a decision to grant the modification, processing of the application shall proceed; or

(b) In the case of a transmission facility, the council may, upon two-thirds vote of all its members, recommend state preemption of such plans or ordinances upon determination that alternative locations for the site, reasonably available to the applicant or which could be acquired by the applicant, have been evaluated for technical suitability and consistency with plans or ordinances and have been found unacceptable. The recommendation shall be included in the council's report to the governor pursuant to RCW 80.50.100(1) as now or hereafter amended.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100, a public hearing, conducted as a contested case under chapter 34.04 RCW, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

Sec. 4. Section 11, chapter 45, Laws of 1970 ex. sess. as amended by section 37, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 80.50.110 are each amended to read as follows:

(1) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, or any rule or regulation promulgated thereunder, this chapter shall govern and control and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

(2) The state hereby preempts the regulation and certification of the ((location)) type, design, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.

The state shall not preempt land use plans or zoning ordinances, or, if no such plan or ordinance has been adopted, other applicable ordinances, resolutions, or acts of the local legislative authority, governing the site of an energy facility, in effect as of the date of application, except as provided in the case of transmission facilities under RCW 80.50.090.

Sec. 5. Section 6, chapter 45, Laws of 1970 ex. sess. as last amended by section 5, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.060 are each amended to read as follows:

(1) The provisions of this chapter shall apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets

or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and ~~((+7))~~ (14), as now or hereafter amended. No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after ~~((July 15, 1977))~~ the effective date of this 1979 act, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and ~~((+7))~~ (14), as now or hereafter amended.

(3) Applications for certification of energy facilities made prior to ~~((July 15, 1977))~~ the effective date of this 1979 act, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding ~~((July 15, 1977))~~ the effective date of this 1979 act, with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(4) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require."

Renumber the sections consecutively.

Debate ensued.

#### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the Point of Order that the amendment expands the scope and object of the bill and may I speak to the motion?"

"Mr. President, the House Bill 328 is a bill to bring into conformity the Washington EFSEC Permit Law for the clean water discharge permit that is a federal permit which we are authorized to issue by our state energy site evaluation council. It is a very limited bill, very narrow in scope and that is its sole and entire object. The amendment is Senate Bill 2139, which has been heard twice in our committee. It still resides there. It deals with land use planning, with local veto authority, with resolutions of county commissioners and with zoning problems. It is an entirely different object and different scope entirely from the purpose of the very narrow bill, House Bill 328."

There being no objection, further consideration of Substitute House Bill No. 328, together with the amendment by Senators Odegaard, Goltz and Wilson and the Point of Order raised by Senator Bottiger, was ordered held pending a Ruling by the President.

#### MOTION

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

#### MOTION

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

- |         |  |
|---------|--|
| 1979-32 | Continuing education for occupations and professions—study     |
| 1979-33 | Uninsured and underinsured automobile insurance coverage—study |
| 1979-34 | Powers of financial institutions—study                         |
| 1979-35 | Reform of tort system—study                                    |

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-21.

## MOTION

Senator Williams moved adoption of the following resolution:

## SENATE RESOLUTION 1979-21

By Senators Williams, McDermott, Lysen, Moore, Fleming, Ridder, Talmadge, Goltz, North and Scott:

WHEREAS, The Olympic Hotel is part of the University of Washington Metropolitan Tract in downtown Seattle; and

WHEREAS, A mandate of the Board of Regents is to work toward the good of the entire community in its deliberations pertaining to Metropolitan Tract properties; and

WHEREAS, The Olympic Hotel was built as a result of community effort over 50 years ago and has been maintained as a quality hotel in the State of Washington; and

WHEREAS, The Olympic Hotel is of outstanding significance both architecturally and historically and is a cultural and social center for the City of Seattle; and

WHEREAS, The Olympic Hotel satisfies statutory criteria for designation as a City of Seattle landmark and for nomination to the National Register of Historic Places; and

WHEREAS, The Olympic Hotel has been residence to six Presidents of the United States, foreign heads of state, diplomats and royalty, innumerable nationally famous entertainers, athletes, public figures and business people, and many thousands of ordinary citizens; and

WHEREAS, The Olympic Hotel is in need of rehabilitation due to normal wear and tear and functional upgrading; and

WHEREAS, All economic reports indicate that rehabilitation of the Olympic Hotel is economically viable; and

WHEREAS, Other alternatives would result in excessive new construction costs and energy expenditures;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate urges the University of Washington Board of Regents to give first consideration to any proposal that would result in the retention of the Olympic Hotel.

Debate ensued.

Senator Guess moved adoption of the following amendment:

On the third from last line of the resolution after "give" and before "consideration" strike "first"

Debate ensued.

## POINT OF INQUIRY

Senator Clarke: "Senator Williams, do I infer from your remarks that this resolution has been discussed with the board of regents and that they, in effect, are supportive of it?"

Senator Williams: "No."

Senator Clarke: "Thank you."

The motion by Senator Guess failed and the amendment was not adopted on a rising vote.

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

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-25.

## MOTION

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

## SENATE RESOLUTION 1979-25

By Senators Lysen, Ridder, Talmadge, Van Hollebeke, Benitz, Hansen, Gaspard, Williams, Rasmussen, Woody, Talley, Peterson, Donohue, Vognilid and Morrison:

WHEREAS, There is no continuous railroad between Washington State, the Continental United States and Alaska; and

WHEREAS, The government of British Columbia, the Yukon Territory, and the State of Alaska have expressed great interest in such a route; and

WHEREAS, The long term economic benefits would be of tremendous value to the undeveloped regions of the Northwest; and

WHEREAS, The transport of agricultural products, timber, minerals and the development of tourism in these great northwest areas would be accomplished in an orderly manner with such a railroad; and

WHEREAS, There exists some preliminary planning for an international rail route which could be an alternative for the transport of crude oil to the Midwest, and thus relieve the pressure of greater sea-borne oil tanker traffic on Puget Sound; and

WHEREAS, The construction and operation of such a rail route will provide many permanent, productive jobs; and

WHEREAS, The addition of a rail route to the existing transportation routes will help to reduce the costs of product and materials throughout the area; and

WHEREAS, There are only about 900 miles of road bed to be completed to link up the 2,000 mile route; and

WHEREAS, The development of the western states of the United States was started when the rail lines were completed linking the new territories with the developed East; and

WHEREAS, The vigorous program and aggressive land acquisition furthering the rail line was accomplished in British Columbia during the early 1970's; and

WHEREAS, The U. S. Army Corps of Engineers has surveyed the remaining 900 miles of the proposed route; and

WHEREAS, Senator Warren G. Magnuson was a strong supporter of the railroad to Alaska as a young congressman in the 1930's and continues to support the rail route; and

WHEREAS, The Alaska Railroad between Anchorage and Fairbanks historically has needed a \$2 to \$3 million subsidy from the U. S. Railroad Administration, the completion of this connection between Canada and the lower forty-eight United States will help the Alaska Railroad become profitable;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that the Congress of the United States be urged to enact laws which will allow the government of the United States to enter into agreements with Canada so that such a rail route can be constructed and operated for the benefits of the citizens of both countries.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-30.

## MOTION

Senator Walgren moved adoption of the following resolution:

## SENATE RESOLUTION 1979-30

By Senators Walgren, Matson, Odegaard, Newschwander and Talmadge:

WHEREAS, Bethlehem Steel Corporation, the nation's second largest producer of iron and steel products, will celebrate the 75th Anniversary of its incorporation on December 10, 1979; and

WHEREAS, Bethlehem Steel has for many years been a significant producer of the material essential to much of our state's development and mobility — steel for buildings, manufacturing and farm machinery, construction equipment, bridges, ships, railroads, trucks, cars and other materials; and

WHEREAS, Bethlehem has been supplying products through operations on the Pacific Coast and especially in the Pacific Northwest since the 1920's; and

WHEREAS, Bethlehem Steel Corporation and its employees have provided a significant and important service to the residents of Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, assembled in session at Olympia, recognizes the steel industry's contribution to the state and the nation, and enthusiastically congratulates Bethlehem Steel Corporation in its celebration of 75 years of steel production.

## REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President, members of the Senate, this is a resolution commending the Bethlehem Steel Corporation, which is a substantial employer in Seattle and contributed to the good economy of the state of Washington and commending them on their seventy-fifth anniversary which comes up on December 10, 1979."

## REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, members of the Senate, I would concur in the remarks by Senator Walgren. Bethlehem Steel plant is in my district and Bethlehem Steel has proven to be a good neighbor to the people of West Seattle and has provided good jobs for the people of the Seattle area and has been a responsible neighbor, as I mentioned before and I would urge the support of this resolution."

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

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-28.

## MOTION

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

## SENATE RESOLUTION 1979-28

By Senators Walgren, Odegaard, Matson and Newschwander:

WHEREAS, The state organization of the Young Men's Christian Association has conducted a Youth Legislature during the past several years for which the use of the Senate and House Chambers for this purpose has been granted; and

WHEREAS, These Youth Legislatures have been most successful and educational to all participating therein; and

WHEREAS, It is the desire of the Legislature of the State of Washington to encourage the interests of our youth in legislative matters and in the proceedings of

the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that the use of the Senate Chamber and the committee rooms be granted to the state organization of the Young Men's Christian Association for the Youth Legislature to be held in 1979 and 1980.

#### MOTION

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1979-36	Analyze common school facilities system—study
1979-37	Concept of business license center—study
1979-38	Mandatory vehicle insurance—study
1979-39	Moratorium on sale, lease or timber harvesting of Heart Lake property
1979-40	Public ownerships uses saltwater shoreline—study
1979-41	Inventory recreation/tourist promotions programs—study
1979-42	Solid waste disposal — state parks—study
1979-43	Voter registration and electronic voting—study

#### MOTION

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

#### MESSAGES FROM THE HOUSE

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 248 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 259 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 155 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 204 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 402 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 319 with the Senate amendments (except the Senate amendment to page 3, after line 2, from which the Senate receded).

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 200, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The Speakers have signed:

SENATE BILL NO. 2077,  
SENATE BILL NO. 2138,  
SUBSTITUTE SENATE BILL NO. 2149,  
SENATE BILL NO. 2159,  
SENATE BILL NO. 2403,  
SENATE BILL NO. 2406,  
SENATE BILL NO. 2511,  
SENATE BILL NO. 2569, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The Speakers have signed:

SENATE BILL NO. 2066,  
SENATE BILL NO. 2067,  
SENATE BILL NO. 2094,  
SENATE BILL NO. 2102,  
SUBSTITUTE SENATE BILL NO. 2117,  
SUBSTITUTE SENATE BILL NO. 2118,  
SENATE BILL NO. 2121,  
SUBSTITUTE SENATE BILL NO. 2141,  
SENATE BILL NO. 2147,  
SENATE BILL NO. 2155,  
SENATE BILL NO. 2179,  
SENATE BILL NO. 2256,  
SUBSTITUTE SENATE BILL NO. 2265,  
SENATE BILL NO. 2277,  
SUBSTITUTE SENATE BILL NO. 2291,  
SUBSTITUTE SENATE BILL NO. 2304,  
SENATE BILL NO. 2321,  
SENATE BILL NO. 2355,  
SENATE BILL NO. 2479,  
SENATE BILL NO. 2562,  
SUBSTITUTE SENATE BILL NO. 3100, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The Speakers have signed:  
SENATE BILL NO. 2045,  
SENATE BILL NO. 2069,  
SENATE BILL NO. 2078,  
SUBSTITUTE SENATE BILL NO. 2184,  
SENATE BILL NO. 2206,  
SUBSTITUTE SENATE BILL NO. 2226,  
SUBSTITUTE SENATE BILL NO. 2255,  
SUBSTITUTE SENATE BILL NO. 2310,  
SUBSTITUTE SENATE BILL NO. 2393, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 486 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 663 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 795 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 7, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 803 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 6, 1979.

Mr. President: The Speakers have signed:  
SENATE BILL NO. 2021,  
SENATE BILL NO. 2026,  
SENATE BILL NO. 2068,  
SENATE BILL NO. 2101,  
SENATE BILL NO. 2124,  
SENATE BILL NO. 2136,  
SENATE BILL NO. 2180,  
SUBSTITUTE SENATE BILL NO. 2274,  
SENATE BILL NO. 2305,  
SUBSTITUTE SENATE BILL NO. 2376, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has receded from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2142 and has passed the bill without the House amendments and the bill is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 729 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 749 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 279 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed: SUBSTITUTE SENATE BILL NO. 2252, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed:  
HOUSE BILL NO. 25,  
HOUSE BILL NO. 50,  
SUBSTITUTE HOUSE BILL NO. 88,  
SUBSTITUTE HOUSE BILL NO. 96,  
SUBSTITUTE HOUSE BILL NO. 109,  
HOUSE BILL NO. 141,  
HOUSE BILL NO. 155,  
SUBSTITUTE HOUSE BILL NO. 248,  
SUBSTITUTE HOUSE BILL NO. 402,  
SUBSTITUTE HOUSE BILL NO. 486,  
SUBSTITUTE HOUSE BILL NO. 663,  
HOUSE BILL NO. 795,  
SUBSTITUTE HOUSE BILL NO. 803, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 328, by Committee on Energy and Utilities (originally sponsored by Representatives Haley, McCormick, Martinis and Charnley):

Revising the law relating to energy facility site location.

The Senate resumed consideration of Substitute House Bill No. 328, the pending amendment by Senators Odegaard, Goltz and Wilson and the Point of Order raised by Senator Bottiger earlier today.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bottiger, the President finds that Substitute House Bill No. 328 is a measure which makes energy facility site certification proceedings subjection the the national pollutant discharge elimination system.

"The amendment proposed by Senator Odegaard allows a local government to veto the location of an energy facility site within its jurisdiction.

"The President therefore finds that the amendment expands the scope and object of the bill and the point of order is well taken."

The amendment by Senators Odegaard, Goltz and Wilson was ruled out of order.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 328 was advanced to third reading, the second 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. 328 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 3:08 p.m., on motion of Senator Walgren, the Senate recessed until 3:20 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:20 p.m.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 25,

HOUSE BILL NO. 50,

SUBSTITUTE HOUSE BILL NO. 88,

SUBSTITUTE HOUSE BILL NO. 96,

SUBSTITUTE HOUSE BILL NO. 109,  
 HOUSE BILL NO. 141,  
 HOUSE BILL NO. 155,  
 SUBSTITUTE HOUSE BILL NO. 248,  
 SUBSTITUTE HOUSE BILL NO. 402,  
 SUBSTITUTE HOUSE BILL NO. 486,  
 SUBSTITUTE HOUSE BILL NO. 663,  
 HOUSE BILL NO. 795,  
 SUBSTITUTE HOUSE BILL NO. 803.

#### MOTION

On motion of Senator Walgren, the following Senate Resolutions were referred to the Committee on Rules:

1979-44	Judicial system, criminal law, civil law—study
1979-45	Tourism, study
1979-46	Licensing of professions/occupations—study
1979-47	Public disclosure law/commission's implementing regulations—study

#### MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 200, by Committee on Revenue (originally sponsored by Representatives Erickson, Winsley, Erak, Ehlers, Scott, Warnke, Gruger, Grimm, Walk, Kreidler, Owen, Granlund, North, Becker and Bender):

Expanding real estate excise tax to include used mobile homes.

Referred to Committee on Ways and Means.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed Substitute Senate Bill No. 2132, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 259, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed: SECOND SUBSTITUTE HOUSE BILL NO. 204, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 204,  
 SUBSTITUTE HOUSE BILL NO. 259.

## MOTION

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 846, by Representatives Newhouse and Smith (Rick) (by Department of Revenue and Code Reviser's request):

Correcting statutory references to the department of revenue.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 846 was advanced to third reading, the second 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. 846 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—46.

Voting nay: Senator Wilson—1.

Absent or not voting: Senator Bluechel—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 846, having received the constitutional majority, 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. 847, by Representatives Smith (Rick) and Newhouse (by Department of Social and Health Services and Code Reviser's request):

Correcting statutory references to the department of social and health services.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 847 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Senator Clarke, I would just feel more comfortable if you would put in the record a very brief statement as to the nature of these bills we are voting on."

Senator Clarke: "Well, thank you, Senator. I thought in substance that was what I had done. These bills are the result of a computer run by the code reviser with respect to situations where powers have been granted to various types of agencies and those agencies have since been supplanted by agencies with other names and they have been given the same or identical powers and the fundamental purpose of these lengthy bills is to create a situation where all of these are consolidated and corrected."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 847 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 847, having received the 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 Wanamaker, Senator Lewis was excused.

On motion of Senator Jones, Senator Lee was excused.

## SECOND READING

HOUSE BILL NO. 848, by Representatives Smith (Rick) and Newhouse (by Office of Financial Management and Code Reviser's request):

Correcting statutory references to the office of financial management.

The bill was read the second time by sections.

On motion of Senator McDermott, the rules were suspended, House Bill No. 848 was advanced to third reading, the second 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. 848 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Lee, Lewis—3.

HOUSE BILL NO. 848, having received the constitutional majority, 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. 849, by Representatives Newhouse, Smith (Rick) and Maxie (by Department of Licensing and Code Reviser's request):

Correcting statutory references to the department of licensing.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, House Bill No. 849 was advanced to third reading, the second 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. 849 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lee—2.

HOUSE BILL NO. 849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480, by Committee on Social and Health Services (originally sponsored by Representatives Adams, O'Brien, Whiteside, Eng, Maxie, May, Brekke, Winsley, Lux, North and Haley) (by Executive request):

Revising the laws against discrimination to include persons with physical handicaps.

## REPORT OF STANDING COMMITTEE

March 5, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480, revising the laws against discrimination to include persons with physical handicaps (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 16, after the period following "section" insert a new paragraph to read as follows:

"The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section."

On page 7, line 34, after "law" and before the period insert "PROVIDED FURTHER, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Pullen, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment to page 7, line 16.

## POINT OF INQUIRY

Senator Clarke: "Senator Day, in the preparation of this committee amendment was there any discussion as to which body, the insurance commissioner or the human rights commission, would likely have the first responsibility of investigating a discrimination complaint and following through?"

Senator Day: "Yes, there certainly was. The human rights commission indicated that in situations like this, they develop work sharing agreements which would have the insurance commissioner's office take the initial responsibility for investigating and following through on a complaint, although the human rights commission would be aware of the action taken. It would probably be a rare instance in which

they would feel it necessary to become more involved."

The motion by Senator Day carried and the committee amendment to page 7, line 16 was adopted.

On motion of Senator Day, the committee amendment to page 7, line 34 was adopted.

Senator Day moved adoption of the following amendment:

On page 1, line 29, after "handicap" insert ", or the right to free choice of practitioners"

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Day, do you know of any cases where the handicapped have been denied the right to the free choice of practitioners?"

Senator Day: "Well, certainly, there are a lot of these health care contracts where they are denied free choice of practitioners every day, Senator. They are not included in insurance contracts, both group and individual in this state guarantee free choice of practitioners. Health care contracts do not."

Senator Rasmussen: "Well, now what will this amendment do?"

Senator Day: "It will just guarantee them free choice. It won't expand the contract, but what it will do is guarantee that if a contract covers the service, they will have free choice of who does the service, who performs the service. It is that simple."

Senator Rasmussen: "Is this a committee amendment?"

Senator Day: "No, this is my amendment."

Senator Rasmussen: "Is it a good amendment?"

Senator Day: "Yes, sir, or I would not put it up."

#### POINT OF INQUIRY

Senator Lewis: "Senator Day, does this expand the professions that would have to be included in health contracts?"

Senator Day: "This would expand in no way the health care contract. It would merely give the individual the right to choose who performs the service. Example: if vision care is in the contract, the person could go to either an optometrist or an ophthalmologist within the covenants of the contract."

Senator Lewis: "Within the covenants of the contract. If it required an ophthalmologist, then it would still be an ophthalmologist that they would have to choose, is that true?"

Senator Day: "Well, it would depend on the service. If the practitioner were licensed to perform the service, if both practitioners were licensed to perform the service then the person who had paid the premium could go to either one of the practitioners to have them perform the service. It is just that simple."

Senator Lewis: "Let me get to the bottom line. Does this make some chiropractors eligible to do service that they cannot now do under contract?"

Senator Day: "No, it merely says that if their services are covered by the contract that the patient has a choice of going to whomever he wants to have that service performed. But, it would not broaden the contract in any way."

#### POINT OF INQUIRY

Senator Lysen: "Senator Day, In the case of Group Health, do you have to go to the doctors who are employed by Group Health as the terms of joining. This is how HMO works. Would this allow members of Group Health to go outside the employees of Group Health to get services and require them to include that coverage in their contracts which they do not now cover?"

Senator Day: "This would do identically the same thing that happens relative to state contracts right now. For example, Health Maintenance Organization in

Spokane which is comparable to Group Health, contracts with optometrists, chiropractors and podiatrists to handle services for the panel. In other words, it would be identical to what the state contracts presently are and that is under Group Health, under Washington Physician's Service or any of the rest of them."

Senator Lysen: "I think you have answered my question to the effect that this would give people who are in Group Health could then go and choose services from practitioners who are not members of the board of Group Health."

Senator Day: "They presently do that, it is presently mandated in all the state contracts and every political subdivision has this choice."

Senator Lysen: "But the patient himself does not have the choice. The patient must go to the employee unless it is a special situation where they do not have the particular physician or type of physician in the Group Health group."

Senator Day: "Of course, presently under the law, Group Health has to provide a choice of practitioner just the same as Washington Physician Service or New York Life would if it is a state or political subdivision. Now, what this would do is bring those other contracts in line with that contract, for handicapped people."

### POINT OF ORDER

Senator Walgren: "Mr. President, I wonder whether or not this might be beyond the scope and object of the bill and raise that as a point."

Debate ensued.

On motion of Senator Day, Engrossed House Bill No. 480, as amended by the Senate, together with the amendment by Senator Day and the Point of Order raised by Senator Walgren, was ordered held following consideration of Substitute House Bill No. 425.

### SECOND READING

ENGROSSED HOUSE BILL NO. 30, by Representatives Ehlers, Nelson (G.A.), Taller and Sanders:

Establishing a method by which certain criminal cost bills will be paid by the state.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 30 was advanced to third reading, the second 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. 30 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Morrison—1.

Excused: Senators Keefe, Lee—2.

ENGROSSED HOUSE BILL NO. 30, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 425, by Committee on Judiciary (originally sponsored by Representatives Smith (R.) and Newhouse):

Permitting each county's superior court to authorize mandatory arbitration for civil actions less than ten thousand dollars.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 425 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: "Senator Marsh, the bill reads that civil actions in municipal or justice courts where the claim is in excess of ten thousand dollars, will be subject to mandatory arbitration. The point I would like clarified is just what does that mean? They must arbitrate, but is the arbitration binding in that case?"

Senator Marsh: "There is a right of appeal as you will note, Senator, in section five of the bill. Section five of the bill provides that 'following a hearing as prescribed by court rule, the arbitrator shall file his decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after such filing, any aggrieved party may file with the clerk a written notice of appeal and request for a trial de novo in the superior court on all issues of law and fact. Such trial de novo shall thereupon be held, including a right to jury, if demanded.' As you know, Senator, a de novo trial is a new trial on all issues."

## POINT OF INQUIRY

Senator Wilson: "Senator Marsh, didn't we pass a bill increasing the jurisdiction of district courts in this area?"

Senator Marsh: "We did pass a bill earlier this session increasing the jurisdiction of district courts to three thousand immediately and then to five thousand in a two-year period. This does not have to do with the jurisdiction of district courts, however. This has to do with arbitration."

Senator Wilson: "I understand that, but to the extent that the jurisdiction of the district courts is increased there becomes less need for something like this, is that not true?"

Senator Marsh: "Well, that is partially true. It will be easier to get claims three thousand dollars and under heard in district court, but we are going to have a lot of claims between three thousand and ten thousand that it will be difficult to get a hearing on in the superior courts because of court congestion. This bill is designed to cut down on court congestion to make it easier to get civil claims heard. As you know, Senator, in the superior courts, criminal cases are heard first, and then if there is time we get down to the civil cases and, unfortunately the bill that we passed through here increasing the number of judges has not yet passed the House and so there is real need for this bill."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Marsh, on page one, line eleven, do you have the page, Senator Marsh?"

Senator Marsh: "I do, I do."

Senator Rasmussen: "It says 'arbitration where sale,' what type of relief is that?"

Senator Marsh: "The bill is incorrectly printed in the bills then on the floor here. The green Substitute House Bill No. 425, correctly spells it sole, intended to

mean sole, I am pretty sure. I would ask the Secretary of the Senate to check the copy at the desk, is it not printed correctly on line eleven? The word before relief, is it not printed sole? The bill at the desk is correctly printed and the word should be sole."

Senator Rasmussen: "Thank you, Senator Marsh. Then, the other question I have in regards, it leaves it up to the supreme court, 'shall by rule adopt such procedures to implement mandatory arbitration of civil actions under this chapter.' 'The supreme court shall by rule adopt procedure to implement mandatory.' Why would they adopt mandatory?"

Senator Marsh: "Because this bill relates to mandatory arbitration. This bill in section one, Senator, says that if the superior court of a county by majority vote of the judges authorize mandatory arbitration, then it becomes effective. Now, this simply authorizes. It is an enabling act for superior court judges in various counties. It doesn't set out the rules and procedures that will be followed in arbitration. And, so if the superior court judges vote to have arbitration, then there needs to be a set of rules and it has been traditional in our state, for the supreme court to set the rules for all of our various civil actions. They set them not only for superior court, but also for district court and they also set them for the courts of appeal. This is just an extension of the judicial rule-making power."

Senator Rasmussen: "Well, that is my concern. Apparently in all cases of ten thousand dollars, less than ten thousand dollars, they will have if the superior court of a locality, they will then have to go to mandatory arbitration and there will be, I presume, arbitrators appointed and who is going to pay the cost of that and how it will be allocated, or is that to become a cost of the county?"

Senator Marsh: "That is provided for in section six, which says, 'the supreme court may by rule provide for cost and reasonable attorney's fees that may be assessed against a party appealing from the award who fails to improve his position on the trial de novo.'"

Senator Rasmussen: "That is from the party appealing, but I guess my basic question, Senator Marsh, that is not being answered is I absolutely if the superior court, if I have a claim up to ten thousand dollars, I will be forced to accept arbitration."

Senator Marsh: "That is correct and you will also have an appeal de novo."

Senator Rasmussen: "Yes, but that gives me a double cost, where now I can go into the superior court, have my case tried, maybe get a jury trial, this will be doing away with jury trial and I have grave questions if it was less permissive so that both attorneys could agree to go to arbitration, that would be one thing. But, going to mandatory, that is something else again and it is taking the right that is granted now to civilians to go into court and be heard before a jury of his peers."

Senator Marsh: "Senator Rasmussen, I recall that you voted against increasing the number of superior court judges and at this point the bill providing for additional judges has not passed in the House and there is a real court congestion problem. This bill is designed to cut down on court congestion, provide a speedy way for cases to be heard without the formality of superior court procedures. And, you always have your right of appeal if you did not do well and this is going to be an experiment, if you will. We feel that it has worked well in other states where it has been tried and it is a recommendation of all those who have studied the court congestion problem."

Debate ensued.

#### REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, members of the Senate and Senator Rasmussen, what we are looking to do here is to cut down the cost, cut down the delay and provide in many cases, better justice. Senator Rasmussen, if it is a big

case, over ten thousand dollars, or if it is an amount not in dispute where the parties, for example, do not know what a jury would do, it cannot go to arbitration.

"Under current practices, just by leaving out a demand, you could avoid arbitration in this case without alleging how much you have been hurt and then asking a jury to find it, you can avoid the arbitration. Arbitrators can go out on the scene, look at let us say a landlord/tenant problem instead of trying a case in court as to how much damage was done by a tenant, the arbitrators go out and look and it would not necessarily be attorneys that were selected as arbitrators. You would select the arbitrator depending on his expertise. It might be a contractor would be a better arbitrator than a lawyer in a particular contract case. You do not have to have lawyers in arbitration, you can do it yourself. So, what we are trying to do is provide some justice for the smaller cases to avoid the necessity of the expense of a fullblown superior court trial."

#### MOTION

Senator Rasmussen moved that Substitute House Bill No. 425 be rereferred to the Committee on Rules.

Debate ensued.

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

The President declared the question before the Senate to be the motion by Senator Rasmussen that Substitute House Bill No. 425 be rereferred to the Committee on Rules.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 13; nays, 33; absent or not voting, 1; excused, 2.

Voting yea: Senators Goltz, Hansen, Lysen, Pullen, Quigg, Rasmussen, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Williams, Wilson—13.

Voting nay: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hayner, Jones, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Ridder, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—33.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Lee—2.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 425.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 425 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Jones, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Quigg, Scott, Sellar, Talmadge, Walgren, Wanamaker, Wojahn, Woody—29.

Voting nay: Senators Bausch, Donohue, Hansen, Henry, Lysen, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson—18.

Excused: Senators Keefe, Lee—2.

SUBSTITUTE HOUSE BILL NO. 425, having received the constitutional majority, was declared passed. 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, all measures passed in the Senate today were ordered immediately transmitted to the House.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480, by Committee on Social and Health Services (originally sponsored by Representatives Adams, O'Brien, Whiteside, Eng, Maxie, May, Brekke, Winsley, Lux, North and Haley) (by Executive request):

Revising the laws against discrimination to include persons with physical handicaps.

The Senate resumed consideration of Engrossed Substitute House Bill No. 480, as amended by the Senate earlier today and the Point of Order raised by Senator Walgren on the following amendment by Senator Day:

On page 1, line 29, after "handicap" insert ", or the right to free choice of practitioners"

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Walgren, the President finds that Engrossed Substitute House Bill No. 480 is a measure which relates to denial of health care coverage to individuals on the basis of sensory, mental or physical handicap.

"The amendment proposed by Senator Day does not deal with the discriminatory denial of health care coverage but deals instead with health care service contract terms applicable to all persons covered by such contracts.

"The President therefore finds that the amendment expands the scope and object of the bill and the point of order is well taken.

The amendment by Senator Day was ruled out of order."

On motion of Senator Day, the rules were suspended, Engrossed Substituted House Bill No. 480, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Goltz: "Senator Day, in section 1 . . . . 'health care contractors are allowed to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health care service contractor for purposes of determining coverage for any person.' Is it your understanding of this section's intent that the reason for turning a person down would be because their medical condition would likely result in a high use and cost to the health care contractor?"

Senator Day: "That is correct, Senator Goltz. The medical condition or combination of medical or health conditions would mean a greater frequency of use or cost than the health care contractor could reasonably be expected to absorb even though he is in a tax exempt-tax free situation."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 480, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lee—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 480, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Walgren, the Committee on Ecology was relieved from further consideration of Senate Bill No. 2935.

On motion of Senator Walgren, Senate Bill No. 2935 was rereferred to the Committee on Ways and Means.

### MOTION

On motion of Senator Jones, Senator Benitz was excused.

### MOTION

At 4:35 p.m., on motion of Senator Walgren, the Senate recessed until 5:27 p.m.

### SECOND AFTERNOON SESSION

The President called the Senate to order at 5:27 p.m.

### MOTION

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

### MESSAGES FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 2030,

SENATE BILL NO. 2005, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed: SUBSTITUTE HOUSE BILL NO. 749, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has passed:

SENATE BILL NO. 2033,

ENGROSSED SENATE BILL NO. 2399, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has passed: HOUSE BILL NO. 1114, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 617.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 617, by Committee on Agriculture (originally sponsored by Representatives Becker, Fancher, Sommers, Amen, Kreidler, Van Dyken, Charnley, Vrooman, Ehlers and Sherman):

Providing tax relief for farmlands.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 617, providing tax relief for farmlands (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 15, after "provided" strike "by law for" and insert "pursuant to the law concerning"

On page 4, line 16, after "districts" strike all the matter down to and including "thereto." on line 18, and insert "for the particular local government. Notice of the creation of a local improvement district that includes farm and agricultural land shall be filed with the county assessor and the legislative authority of the county in which such land is located. The county assessor, upon receiving notice of the creation of such a local improvement district, shall send a notice to the owner of the farm and agricultural lands listed on the tax rolls of the applicable county treasurer of: (1) the creation of the local improvement district; (2) the exemption of that land from special benefit assessments; (3) the fact that the farm and agricultural land may become subject to the special benefit assessments if the owner waives the exemption by filing a notarized document with the governing body of the local government creating the local improvement district before the confirmation of the final special benefit assessment roll; and (4) the potential liability, pursuant to section 4 of this act, if the exemption is not waived and the land is subsequently removed from the farm and agricultural land status."

On page 4, beginning on line 27 beginning with "Such" strike all the matter down to and including "treasurer."

On page 5, line 1, after "land." strike the remainder of the paragraph.

On page 5, line 32, after "chapter;" strike "plus (c) a penalty amounting to twenty percent of the total amount determined in (1)(a) and (b) of this section;"

On page 7, line 1, strike "total" and insert "rate of"

Signed by: Senators Hansen, Chairman; Day, Gaspard, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 617, 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 Goltz, you have very fine intent in this legislation. My concern is, supposing we are forming a local improvement district and it is going to be necessary to issue bonds. What will this do as far as the issuance of bonds? This would kind of cloud the ability to issue bonds?"

Senator Goltz: "I do not think this will cloud the ability to issue bonds at all. What it simply means is that a farmer who has his land in farmland would not be a part of the local improvement district. He would not be assessed. Therefore, the people who would benefit from that and who would be assessed would be known and the bonds would be sold in accordance with that information. I have given my answer, Senator Rasmussen."

Senator Rasmussen: "Senator Goltz, we have passed many fine bills with good intentions, but I can see where an area that is, very badly needs improvement and because of several tracts that are now receiving this open space category and been approved by the assessors, that they would not join in in paying for these improvements that a majority of the people in the area probably need. And, let me go a step further, that would be forced on them by the department of ecology through their rules and regulations on the clean water act. Now, I do not think that this has been run by to have an opinion given on this by the Attorney General in that regard."

Senator Goltz: "Well, the assumption is in this bill, Senator Rasmussen, that a farmer who cannot use the improvements which are required of a local improvement district does not have to pay for those improvements. As a matter of fact, there are court cases recently where persons who are charged water fees, water charges to pay for local improvement districts when they are not hooked up to the sewer system, those have been refunded in Bellingham under a court order. So, I think we are moving in the direction of not requiring people to pay for these local improvement district assessments if they cannot, in fact, make use of those improvements."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 617, 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 Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Benitz—1.

Excused: Senators Keefe, Lee—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 617, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Hansen, Engrossed Substitute House Bill No. 617, as amended by the Senate, was ordered immediately transmitted to the House.

## SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE HOUSE BILL NO. 749.

## SIGNED BY THE PRESIDENT

The President signed: SUBSTITUTE SENATE BILL NO. 2142.

## MOTION

On motion of Senator Walgren, the following Senate Resolution was referred to the Committee on Rules:

1979-50

Problems of conservation, management and enforcement activities of departments of fisheries and game—study.

## MOTION

On motion of Senator Jones, Senator Benitz was excused.

## MOTION

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

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1114, by Representatives Blair and Thompson:

Appropriating moneys for preparation and publication of the session laws of the state legislature.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, House Bill No. 1114 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Bill No. 1114 was advanced to third reading, the second 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. 1114 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Benitz, Keefe, Lee—3.

HOUSE BILL NO. 1114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2275 with the following amendments:

On page 5, beginning on line 15, substitute the following for subsection (1):

"(1) Race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing may

retain the following from the daily gross receipts of all parimutuel machines:

(a) From the first five hundred thousand dollars, the licensee may retain ten and one-half percent of such gross receipts; and

(b) From any amount above the first five hundred thousand dollars, the licensee may retain ten percent of such gross receipts."

On page 5, line 25, after "Of the" strike "amount retained in subsection" and insert "amounts retained in subsections (1) and"

On page 5, line 28, after "meet" insert:

"; except that, all such increased revenue to the licensee to be utilized for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen"

On page 6, line 2, after "commission" strike "five" and insert "daily four and one-half"

On page 6, line 2, after "receipts" insert:

"up to the first five hundred thousand daily"

On page 6, beginning on line 3, after "meet." strike all of the material down to and including "paid" on line 4, and insert:

"All receipts in excess of five hundred thousand dollars shall be paid daily at the rate of five percent"

On page 6, after line 9, insert the following:

"NEW SECTION. Sec. 7. There is added to chapter 67.16 RCW a new section to read as follows:

(1) Race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races, may retain fourteen percent from the gross receipts of any parimutuel machine.

(2) For race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races, the licensee shall pay to the commission daily one percent of the gross receipts of all parimutuel machines at each race meet. Such one percent shall be paid daily."

Renumber the sections consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTION

Senator Morrison moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2275.

Debate ensued.

### POINT OF INQUIRY

Senator Odegaard: "Senator Morrison, as you know, some of us had a concern when this bill passed here originally about the loss of revenues not only to the state general fund, but also to the fairs throughout the state and I realize there is an additional number of racing days that would be allowed to help alleviate that problem. But, with the House amendments compared to the Senate version of this bill, will it mean less revenues to the state and to the fair funds, or more?"

Senator Morrison: "Actually, the House amendments, Senator Odegaard, do take additional money. However, the arguments here are the same as when the bill passed the Senate in the first place and that is without this total package that we are, in fact, going to potentially lose some tracks that have been operating at a loss for like the last ten, fifteen and in the case of Yakima, nineteen years. So, if we take the same annual gross as we have seen in the tracks over the last three years and the extra racing days authorized by the commission, we still see a net gain to the state over the next two years of over a million dollars. So, if we just stood still, yes, there

would be a loss, but if the normal gross is there as it should be and Yakima Meadows is already running and the handle is up, it looks like this money will be more than replaced for both the fair fund, the international trade fair fund and the general fund."

Senator Odegaard: "Senator Morrison, still the comparison between the two proposals now, our version and the House version, does it end up meaning a loss of revenue to the funds?"

Senator Morrison: "The House version does, by the inclusion of extra money, some of this money for Longacres, is a greater loss than the version as passed in the Senate originally."

Senator Odegaard: "Do you have an idea of how much greater loss?"

Senator Morrison: "It would be half of one percent of a fifty-five million dollar handle, which would be two hundred seventy-five thousand dollars a year, but we think more than replaced in the horsemen in the wings and around the capitol today, feel that that would be more than replaced because of the higher quality of horses running, the greater tendency for bettors to come to this state and bet on horses that will be attracted here from other states. So, we are very confident that, while there is a loss on the face of this, that it will be more than replaced immediately."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Morrison, you are a very high quality Senator, but I do not know about the high quality horses. Did I understand you to say that the original figure we had was some seven hundred fifty-eight thousand dollars we were taking out of the general fund to pay to the tracks? Now, there will be an additional two hundred fifty thousand, or practically a million dollars going out to pay to keep these tracks in operation?"

Senator Morrison: "The figures as I have them, Senator Rasmussen, total up to six hundred and thirty-five thousand dollars a year as the fiscal impact of this bill if the whole world stood still. But, of course, we are convinced that it is going to continue to reflect the growth it has over the last many years."

Senator Rasmussen: "Maybe I am in error, the figure we had in ways and means was seven hundred and fifty-eight thousand dollars as the bill went out of here to the House. They have added an additional two hundred and fifty thousand dollars, so that would make it over a million dollars we are giving to the tracks then . . . if everything was as it was in 1978."

Senator Morrison: "That is true. We are not giving it to the tracks, the horsemen get most of it to encourage the growth of the industry in the state."

Senator Rasmussen: "Well, I can think, Senator Morrison, of a lot of places I would rather put that million dollars than in the horsemen."

#### REMARKS BY SENATOR DAY

Senator Day: "Mr. President, in further answer to the good Senator from Pierce county, the amendments that the House put on gives nothing to Longacres race track. What they give it to, is they give it to the purse structure there for the Washington horsebreeders and I would submit to you that almost everyone of you except those of you who live in metropolitan areas have Washington horsebreeders in your area and they are a substantial contributor to the economy, as Senator Bottiger has said. And, so I think it should be clearly understood that the only thing the House amendment does to allow the horsebreeders to participate in this money for a purse structure up to the five hundred thousand dollar handle limit, which is exactly the way it applies to the other two tracks. Now, the other two tracks also have an allowance in there to help them over rough spots with some reconstruction and so forth. So, I think the bill is in good shape and it is a good bill now for the

industry and for the horsebreeder."

The motion by Senator Morrison carried. The Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2275.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2275, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Peterson, Quigg, Ridder, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker—34.

Voting nay: Senators Lysen, Odegaard, Pullen, Rasmussen, Scott, Talmadge, Williams, Wilson, Wojahn, Woody—11.

Absent or not voting: Senator Donohue—1.

Excused: Senators Benitz, Keefe, Lee—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2275, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed SUBSTITUTE SENATE JOINT RESOLUTION NO. 110 with the following amendments:

On page 1, line 18, after "each" strike "odd-numbered"

On page 1, line 19, beginning with the words "A regular" strike all material down to and including the period on line 25.

On page 1, line 30, strike "sixty" and insert "forty-five"

On page 2, line 19, after "purposes" strike "is" and insert "are"

On page 2, after line 25, insert the following:

"(4) The limitations on the length of legislative sessions contained in this section shall be exclusive of days when the legislature is adjourned by concurrent resolution.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Woody, the Senate concurred in the House amendments to page 1, line 18 and line 19 and page 2, line 19.

On motion of Senator Woody, the Senate refused to concur in the House amendments to page 1, line 30 and page 2, following line 25 and asks the House to recede therefrom.

### MOTION

On motion of Senator Marsh, the following Senate Resolutions were referred to the Committee on Rules:

1979-48

Leisure time activities, potential danger—study

1979-49

Certification of recreation personnel—study

1979-51

Litigants recovery of attorneys' fees—study

## MOTION

On motion of Senator Marsh, all measures passed by the Senate today were ordered immediately transmitted to the House.

## MOTION

At 6:05 p.m., on motion of Senator Marsh, the Senate recessed until 7:00 p.m.

## EVENING SESSION

The President called the Senate to order at 7:00 p.m.

## MESSAGES FROM THE HOUSE

March 8, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 149 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed SUBSTITUTE SENATE BILL NO. 2142, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2254 with the following amendments:

In the title, page 2, line 9, after ".160;" insert "amending section 15.38.010, chapter 11, Laws of 1961 and RCW 15.38.010;"

In the title, on page 2, line 10, after "16.13 RCW;" insert "adding a new section to chapter 16.36 RCW;"

On page 2, line 33 of the title, after "69.20.140" insert "; and making an appropriation"

On page 11, line 26, strike "~~((shall))~~ may" and insert "shall"

On page 12, line 2, strike "~~((shall))~~ may" and insert "shall"

On page 18, after line 7, insert a new section as follows:

"Sec. 21. Section 15.38.010, chapter 11, Laws of 1961 and RCW 15.38.010 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices or arrangements.

(2) The term "filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, skimmed milk, ice cream, whipped cream, flavored milk or skimmilk, dried or powdered milk, ~~((cheese, cream cheese, cottage cheese, creamed cottage cheese;))~~ ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: PROVIDED, HOWEVER, That this term shall not be construed to mean or

include:

(a) Oleomargarine;

(b) Any distinctive proprietary food compound not readily mistaken for a dairy product where such compound is customarily used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labeled;

(c) Any dairy product flavored with chocolate or cocoa where the fats or oils other than milk fat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used: ((or))

(d) Any dairy product in which the vitamin content has been increased and food oil utilized as a carrier of such vitamins provided the quantity of such food oil does not exceed one one-hundredths of one percent of the weight of the finished dairy product;

(e) Any cheese product or cheese; or

(f) Any cream sauce added to processed vegetables.

(3) The term "intrastate commerce" means any and all commerce within the state of Washington subject to the jurisdiction thereof; and includes the operation of any business or service establishment."

Renumber remaining sections consecutively.

On page 18, after line 18, insert a new section as follows:

"NEW SECTION. Sec. 22. There is added to chapter 16.36 RCW a new section to read as follows: The director of agriculture shall, pursuant to the provisions of chapter 34.04 RCW, adopt rules governing the intrastate movement in animals in order to prevent the spread of, and to suppress, infections, contagious, communicable, and dangerous diseases affecting animals, especially brucellosis. Such rules shall provide for change of ownership testing for eligible animals."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 18, after line 22, insert a new section as follows:

"NEW SECTION. Sec. 25. There is appropriated to the department of agriculture from the general fund, the sum of one hundred sixty-two thousand five hundred dollars, or so much thereof as may be necessary to carry out the purposes of Section 16 of this act."

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

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

MOTION

Senator Hansen moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2254.

POINT OF INQUIRY

Senator Bluechel: "Senator Hansen, in the amendments here you have under the dairy section, added underlined language 'any cheese product or cheese; or any cream sauce added to processed vegetables'. Could you tell me what that means?"

Senator Hansen: "Yes, this is the substance of another bill to allow other milk processing dried to be used in the makings of these other products, as I understand it. It was another bill that was dropped in the cracks that was amended onto this one. I think it was a good bill, so . . ."

Senator Bluechel: "I see, and what you are saying is that this allows the use of milk processed material to be used in the manufacture of these other items?"

Senator Hansen: "Yes."

Senator Bluechel: "Thank you."

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2254.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2254, 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 Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Guess—1.

Excused: Senators Benitz, Keefe, Lee—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2254, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed SENATE BILL NO. 2339 with the following amendments:

On page 2, line 21, strike "phychosocial" and insert "psychosocial"

On page 2, line 22, strike "therapeutic" and insert "basic nursing"

On page 3, line 20, strike "NEW SECTION. Sec. 7" and renumber accordingly., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Day, the Senate concurred in the House amendments to page 2, line 21 and line 22.

On motion of Senator Day, the Senate refused to concur in the House amendment to page 3, line 20 and asks the House to recede therefrom.

### MOTION

At 7:29 p.m., on motion of Senator Walgren, the Senate was declared to be at case.

The President called the Senate to order at 7:55 p.m.

### MESSAGES FROM THE HOUSE

March 8, 1979.

Mr. President: The Speakers have signed HOUSE BILL NO. 612, and the same is herewith transmitted.

VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 288 and has passed the bill as amended by the

Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 480 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 617 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed HOUSE BILL NO. 848, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The House has receded in the amendments on page 1, line 30, page 2, after line 25 to SUBSTITUTE SENATE JOINT RESOLUTION NO. 110, and has passed the bill with the following amendments:

On page 1, line 18

On page 1, line 19

On page 2, line 19, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 110 without the House amendments to page 1, line 30, page 2, after line 25 but with the amendments to page 1, lines 18 and 19 and page 2, line 19.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Jones, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—40.

Voting nay: Senators Guess, Hayner, Pullen, Wilson—4.

Absent or not voting: Senators Henry, Lysen—2.

Excused: Senators Benitz, Keefe, Lee—3.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 110, 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. 612,  
HOUSE BILL NO. 848.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 2005,  
SUBSTITUTE SENATE BILL NO. 2030,  
SENATE BILL NO. 2033,  
SENATE BILL NO. 2399.

## MOTION

At 8:03 p.m., on motion of Senator Walgren, the Senate recessed until 8:32 p.m.

## SECOND EVENING SESSION

The President called the Senate to order at 8:32 p.m.

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2768 with the following amendments:

On page 3, on line 1 of the title, after "26.32.090;" insert "amending section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.035;"

On page 11, line 22, after "release" insert ", to the juvenile or his or her attorney,"

On page 11, beginning on line 27, strike all of subsection (7) and renumber the subsections and correct all internal references accordingly

On page 25, line 20, strike "shall" and insert "may"

Beginning on page 84, after "(4)" delete all material down through "act." on line 10 and substitute: "Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities on behalf of children. Contract with local agencies for the provision of crisis intervention services including crisis intake and counseling in Class A and AA counties and counties of the first class. If agreement is obtained from the office of financial management that said services are not available at reasonable cost in said county or counties, purchase of services in said counties is not required: PROVIDED, That when contracting for the above mentioned services the department shall monitor and administer intake services to the extent that there is a standardized intake system which shall include uniform eligibility criteria and shall yield the type of data enumerated in Section 81 of this act."

On page 88, beginning on line 24, after "structure." strike all the language down to and including "section." on line 26

On page 92, after line 6, insert the following:

"Sec. 84. Section 1, chapter 20, Laws of 1971 as last amended by section 17, chapter 350, Laws of 1977, ex. sess. and RCW 51.12.035 are each amended to read as follows:

(1) Volunteers shall be deemed employees and/or workers, as the case may be,

for all purposes relating to medical aid benefits under chapter 51.36 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state or any agency thereof, except emergency services workers as described by chapter 38.52 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by the state or any agency thereof, prior to the occurrence of the injury or the contraction of an occupational disease, for the purpose of engaging in authorized volunteer service: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

The term "volunteer" includes a juvenile performing community service pursuant to chapter 13.40 RCW.

Any and all premiums or assessments due under this title on account of such volunteer service shall be the obligation of and be paid by the state or any agency thereof which has registered and accepted the services of volunteers.

(2) Volunteers may be deemed employees and/or workers, as the case may be, for all purposes relating to medical aid benefits under chapter 51.36 RCW at the option of any city, county, town, special district, municipal corporation, or political subdivision of any type, or any private nonprofit charitable organization, when any such unit of local government or any such nonprofit organization has given notice of covering all of its volunteers, or, separately, juveniles performing community service pursuant to chapter 13.40 RCW, to the director prior to the occurrence of the injury or contraction of an occupational disease.

A "volunteer" shall mean a person who performs any assigned or authorized duties for any such unit of local government, or any such organization, except emergency services workers as described by chapter 38.52 RCW, or fire fighters covered by chapter 41.24 RCW, brought about by one's own free choice, receives no wages, and is registered and accepted as a volunteer by any such unit of local government, or any such organization which has given such notice, for the purpose of engaging in authorized volunteer services: PROVIDED, That such person shall be deemed to be a volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Any and all premiums or assessments due under this title on account of such volunteer service for any such unit of local government, or any such organization shall be the obligation of and be paid by such organization which has registered and accepted the services of volunteers and exercised its option to secure the medical aid benefits under chapter 51.36 RCW for such volunteers.

NEW SECTION. Sec. 85. There is added to chapter 291, Laws of 1977 ex. sess. and to chapter 13.40 RCW a new section to read as follows:

(1) The legislative authority of any county may purchase liability insurance in an amount it deems reasonable to protect the county and its officers and employees against liability for the wrongful acts of any juvenile, or any injuries or damages incurred by any juvenile, in the course of community service agreed to or ordered under chapter 13.40 RCW.

(2) The legislative authority of any county desiring to purchase insurance under subsection (1) of this section may, by ordinance, establish a cumulative reserve fund to be used for purchasing and maintaining such insurance. The fund shall be known as the community service insurance fund, and shall be administered by the county treasurer. Only moneys from fines collected by the county from any juvenile sentenced under chapter 13.40 RCW may be deposited in the fund: PROVIDED, That moneys may be transferred into the fund from the county's current expense fund to provide initial moneys for the community service insurance fund. Funds which are deposited in the community service insurance fund, as a result of fines collected,

which are in excess of those funds necessary to pay the required insurance premiums may be used to replace such moneys as were transferred from the current expense fund for the purpose of initiating the community service insurance fund."

Renumber the sections consecutively and correct all internal references accordingly., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Marsh, the Senate concurred in the House amendments to page 11, line 22 and page 1, beginning on line 27, also page 88, beginning on line 24, also page 25, line 20.

Senator Marsh moved the Senate do concur in the House amendment beginning on page 84, after "(4)"

Debate ensued.

The motion by Senator Marsh carried and the Senate concurred in the House amendment beginning on page 84, after "(4)" on a rising vote.

On motion of Senator Marsh, the Senate refused to concur in the House amendment on page 92, after line 6 and the House amendment to the title on page 3, line 1 and asks the House to recede therefrom.

### MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 18,

HOUSE BILL NO. 847,

HOUSE BILL NO. 849, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 114, by Senator Walgren, Odegaard, Matson, Newschwander:

Providing for returning of bills to house of origin.

### MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 114 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 114 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

### MOTION

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

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House refuses to recede from the House amendment to SENATE BILL NO. 2339 to page 3, line 20, and again asks the Senate to concur therewith, and said bill, together with the House amendment to page 3, line 20, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Day, the Senate insisted on its position to the House amendment to page 3, line 30 and once again asks the House to recede therefrom.

## MOTIONS

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

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

## SENATE RESOLUTION 1979-53

By Senators Odegaard, Walgren, Matson and Newschwander:

WHEREAS, The Regular Session of the Forty-sixth 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 regular Session of the Forty-sixth Legislature and the convening of the next session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate 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 Facilities and 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 Facilities and 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 the Regular Session of the Forty-sixth Legislature in closing the business of such sessions, in providing for the interim period between the closing of such sessions 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-sixth Legislature of the State of Washington, and which are presented for payment after adjournment of the Regular Session of the Forty-sixth Legislature, before payment is authorized, must bear the approval of the Presi-

dent or the 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 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 hereby is, authorized and directed to have a copy of the Senate Journals of the Regular Session of the Forty-sixth Legislature, together with a suitable index therefor prescribed 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 Leader, the Majority and Minority Whips, the Majority and Minority Caucus Chairmen and Caucus Vice Chairmen and Secretaries, the Chairman of the Senate Facilities and Operations Committee, are each authorized to attend the annual meetings of the National Conference of State Legislatures, 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 Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee.

**BE IT FURTHER RESOLVED**, That the Secretary of the Senate and the Assistant Secretary of the Senate, be, and they hereby are, authorized and directed to attend the sessions of the National Conference of State Legislatures and the Council of State Governments, and while in attendance upon such conference they shall be allowed compensation at their regular per diem rate together with actual expenses, to be paid on their vouchers out of funds appropriated for legislative expenses; and

**BE IT FURTHER RESOLVED**, That the Secretary of the Senate collect the keys to the 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 east and west portions of the first floor of the Legislative Building; the first and fourth floor of the Public Lands Building, and the first and second 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

**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 is permitted upon such terms as the Secretary shall deem proper.

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

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 149,

SUBSTITUTE HOUSE BILL NO. 319,

HOUSE BILL NO. 846, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 149,

SUBSTITUTE HOUSE BILL NO. 319,

HOUSE BILL NO. 846.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2132,

SUBSTITUTE SENATE BILL NO. 2275,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 110.

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The Speakers have signed:

SENATE BILL NO. 2005,

SUBSTITUTE SENATE BILL NO. 2030,

SENATE BILL NO. 2033,

SENATE BILL NO. 2399, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## MOTIONS

On motion of Senator Wilson, Senator von Reichbauer was excused.

On motion of Senator Jones, Senator Pullen was excused.

## MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has receded from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2768 to page 3, line 1 of the title and page 92 after line 6, and passed the bill, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2768 without the House amendments to page 3, line 1 of the title and page 92, after line 6.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2768, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day,

Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senator Matson—1.

Excused: Senators Benitz, Keefe, Lee, Pullen, von Reichbauer—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2768, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has passed SENATE BILL NO. 2339 with the following amendments:

On page 2, line 21, strike "phychosocial" and insert "psychosocial"

On page 2, line 22, strike "therapeutic" and insert "basic nursing"

On page 3, line 22 after "requirements of" strike all the material down to and including "act" on line 29 and insert "this act", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Senate Bill No. 2339.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2339, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Benitz, Keefe, Lee, Pullen, von Reichbauer—5.

SENATE BILL NO. 2339, 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

March 8, 1979.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 114, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed:  
HOUSE BILL NO. 279,

SUBSTITUTE HOUSE BILL NO. 480,  
HOUSE BILL NO. 1114, and the same are herewith transmitted.  
DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed:  
HOUSE BILL NO. 288,  
SUBSTITUTE HOUSE BILL NO. 617, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed:  
HOUSE BILL NO. 30,  
HOUSE BILL NO. 86,  
SUBSTITUTE HOUSE BILL NO. 92,  
SUBSTITUTE HOUSE BILL NO. 328,  
SUBSTITUTE HOUSE BILL NO. 425,  
SUBSTITUTE HOUSE BILL NO. 729,  
HOUSE BILL NO. 874,  
SUBSTITUTE HOUSE BILL NO. 1033, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

At 9:35 p.m., the President declared the Senate to be at ease.  
The President called the Senate to order at 9:40 p.m.

#### SIGNED BY THE PRESIDENT

The President signed: SENATE BILL NO. 2339.  
At 9:47 p.m., the President declared the Senate to be at ease.  
The President called the Senate to order at 10:07 p.m.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 2254,  
SUBSTITUTE SENATE BILL NO. 2768,  
SENATE CONCURRENT RESOLUTION NO. 114.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 30,  
HOUSE BILL NO. 86,  
SUBSTITUTE HOUSE BILL NO. 92,  
SUBSTITUTE HOUSE BILL NO. 328,  
SUBSTITUTE HOUSE BILL NO. 425,  
SUBSTITUTE HOUSE BILL NO. 729,  
HOUSE BILL NO. 874,  
SUBSTITUTE HOUSE BILL NO. 1033.

#### MESSAGES FROM THE HOUSE

March 8, 1979.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLU-

TION NO. 114, the House herewith returns the following Senate Bills:

SENATE BILL NO. 2015,  
SUBSTITUTE SENATE BILL NO. 2024,  
SUBSTITUTE SENATE BILL NO. 2032,  
SENATE BILL NO. 2034,  
SUBSTITUTE SENATE BILL NO. 2042,  
ENGROSSED SENATE BILL NO. 2053,  
SUBSTITUTE SENATE BILL NO. 2055,  
SUBSTITUTE SENATE BILL NO. 2058,  
SENATE BILL NO. 2062,  
ENGROSSED SENATE BILL NO. 2084,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2095,  
SUBSTITUTE SENATE BILL NO. 2097,  
ENGROSSED SENATE BILL NO. 2106,  
SENATE BILL NO. 2130,  
SENATE BILL NO. 2131,  
SENATE BILL NO. 2133,  
SENATE BILL NO. 2135,  
SUBSTITUTE SENATE BILL NO. 2140,  
SENATE BILL NO. 2143,  
SUBSTITUTE SENATE BILL NO. 2158,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2161,  
SENATE BILL NO. 2162,  
ENGROSSED SENATE BILL NO. 2165,  
SENATE BILL NO. 2173,  
ENGROSSED SENATE BILL NO. 2176,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2177,  
SUBSTITUTE SENATE BILL NO. 2181,  
SUBSTITUTE SENATE BILL NO. 2182,  
SENATE BILL NO. 2191,  
SUBSTITUTE SENATE BILL NO. 2192,  
ENGROSSED SENATE BILL NO. 2204,  
SUBSTITUTE SENATE BILL NO. 2209,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2213,  
SENATE BILL NO. 2224,  
ENGROSSED SENATE BILL NO. 2229,  
SENATE BILL NO. 2236,  
ENGROSSED SENATE BILL NO. 2237,  
ENGROSSED SENATE BILL NO. 2242,  
SENATE BILL NO. 2257,  
SENATE BILL NO. 2259,  
SENATE BILL NO. 2262,  
ENGROSSED SENATE BILL NO. 2272,  
SENATE BILL NO. 2290,  
SUBSTITUTE SENATE BILL NO. 2294,  
SENATE BILL NO. 2295,  
SENATE BILL NO. 2297,  
SUBSTITUTE SENATE BILL NO. 2299,  
SUBSTITUTE SENATE BILL NO. 2306,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2317, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLUTION NO. 114, the House herewith returns the following Senate Bills:

ENGROSSED SENATE BILL NO. 2333,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2335,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2336,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2337,  
 ENGROSSED SENATE BILL NO. 2338,  
 SENATE BILL NO. 2343,  
 SENATE BILL NO. 2349,  
 SENATE BILL NO. 2354,  
 ENGROSSED SENATE BILL NO. 2362,  
 SUBSTITUTE SENATE BILL NO. 2372,  
 SUBSTITUTE SENATE BILL NO. 2373,  
 SUBSTITUTE SENATE BILL NO. 2374,  
 SENATE BILL NO. 2385,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2388,  
 SENATE BILL NO. 2398,  
 ENGROSSED SENATE BILL NO. 2402,  
 SUBSTITUTE SENATE BILL NO. 2418,  
 SUBSTITUTE SENATE BILL NO. 2422,  
 ENGROSSED SENATE BILL NO. 2423,  
 ENGROSSED SENATE BILL NO. 2433,  
 SUBSTITUTE SENATE BILL NO. 2439,  
 SENATE BILL NO. 2461,  
 SENATE BILL NO. 2462,  
 SECOND SUBSTITUTE SENATE BILL NO. 2465,  
 ENGROSSED SENATE BILL NO. 2492,  
 SENATE BILL NO. 2502,  
 SUBSTITUTE SENATE BILL NO. 2518,  
 SENATE BILL NO. 2580,  
 ENGROSSED SENATE BILL NO. 2602,  
 SENATE BILL NO. 2756,  
 SUBSTITUTE SENATE BILL NO. 2798,  
 SENATE JOINT RESOLUTION NO. 109,  
 ENGROSSED SENATE JOINT RESOLUTION NO. 112,  
 SENATE CONCURRENT RESOLUTION NO. 113, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: Under the provisions of SENATE CONCURRENT RESOLUTION NO. 114, the House herewith returns the following Senate Bill: SENATE BILL NO. 2296, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 279,  
 HOUSE BILL NO. 288,  
 SUBSTITUTE HOUSE BILL NO. 480,  
 SUBSTITUTE HOUSE BILL NO. 617,

HOUSE BILL NO. 1114.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 18,  
HOUSE BILL NO. 847,  
HOUSE BILL NO. 849.

MESSAGES FROM THE HOUSE

March 8, 1979.

Mr. President: The Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 2275,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 110,  
SENATE CONCURRENT RESOLUTION NO. 114, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed:  
SUBSTITUTE SENATE BILL NO. 2254,  
SENATE BILL NO. 2339,  
SUBSTITUTE SENATE BILL NO. 2768, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 8, 1979.

Mr. President: The Speakers have signed SUBSTITUTE SENATE BILL NO. 2132, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

MESSAGE FROM THE HOUSE

March 8, 1979.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 15, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 15, by Representatives King and Polk:

Appointing a committee to notify the governor the legislature is ready to adjourn SINE DIE.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 15 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 15 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

## MESSAGE FROM THE HOUSE

Mr. President: The Speakers have signed House Concurrent Resolution No. 15, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

## MOTION

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

## MOTION

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

## SENATE RESOLUTION 1979-52

By Senators Walgren, Odegaard, Matson and Newschwander:

BE IT RESOLVED, By the Senate, that a committee consisting of three members of the Senate be appointed to notify the House that the legislature is about to adjourn SINE DIE.

## APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1979-52, the President appointed Senators Gaspard, Hayner and Wilson to notify the House that the Senate is ready to adjourn SINE DIE.

## MOTION

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

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 O'Brien, Amen, Scott and Van Dyken 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.

#### APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 15, the President appointed Senators Clarke, Donohue and Rasmussen as a committee to three to join with a like committee from the House of Representatives to notify the Governor that the legislature is about to adjourn SINE DIE.

#### MOTION

On motion of Senator Walgren, the committee appointments were confirmed. President Pro Tempore Henry assumed the Chair.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 15.

#### REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY HOUSE OF REPRESENTATIVES OF ADJOURNMENT SINE DIE

The members of the special committee appointed under the provisions of Senate Resolution 1979-52 composed of Senators Gaspard, Hayner and Wilson to notify the House of Representatives that the Senate was ready to adjourn SINE DIE appeared before the bar of the Senate and 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 GOVERNOR OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under the provisions of House Concurrent Resolution No. 15 composed of Senators Clarke, Donohue and Rasmussen together with a committee of three from the House of Representatives to notify the Governor that the legislature is about to adjourn SINE DIE, appeared before the bar of the Senate and reported that the Governor had been notified.

The report was received and the committee was discharged.

#### MOTIONS

On motion of Senator Walgren, all measures returned to the Senate from the House of Representatives were referred to the Committee on Rules.

On motion of Senator Walgren, the Senate Journal of the Sixtieth Day, Forty-sixth Legislature, was approved.

At 10:28 p.m., on motion of Senator Walgren, the Senate of the Forty-sixth Legislature adjourned SINE DIE.

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



# SENATE JOURNAL

REGULAR AND FIRST EXTRAORDINARY  
SESSIONS

## FORTY-SIXTH LEGISLATURE STATE OF WASHINGTON

AT

### OLYMPIA, the State Capitol

Convened Regular Session January 8, 1979.  
Adjourned Regular Session *SINE DIE* March 8, 1979.  
Convened First Extraordinary Session March 21, 1979.  
Adjourned First Extraordinary Session *SINE DIE* June 1, 1979.

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



DOROTHY GREELEY  
*Minute and Journal Clerk*

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

## SENATE CAUCUS OFFICERS

### DEMOCRATIC CAUCUS

*Majority Leader* ..... GORDON L. WALGREN  
*Chairman* ..... GARY M. ODEGAARD  
*Assistant Majority Leader* ..... DAN MARSH  
*Vice Chairman* ..... GEORGE FLEMING  
*Secretary* ..... BRUCE A. WILSON

### REPUBLICAN CAUCUS

\* *Minority Leader* ..... JIM MATSON  
\*\* *Chairman* ..... CHARLES NEWSCHWANDER  
*Floor Leader* ..... GEORGE W. CLARKE  
*Minority Whip* ..... JOHN D. JONES  
\*\*\* *Assistant Floor Leader* ..... R. H. (BOB) LEWIS  
*Vice Chairman* ..... F. (PAT) WANAMAKER

- \* Jeannette Hayner replaced Jim Matson as Republican Leader, May 29, 1979
- \*\* George W. Scott replaced Charles Newschwander as Caucus Chairman, May 29, 1979
- \*\*\* R. H. (Bob) Lewis elected Executive Chairman, May 29, 1979

*Assistant Secretary* ..... BILL GLEASON  
*Sergeant at Arms* ..... CHARLES L. R. JOHNSON  
*Secretary to the Secretary* ..... PATRICIA McNULTY  
*Reader* ..... VERNE SAWYER

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also  
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# SENATE JOURNAL

## First Extraordinary Session

### Forty-Sixth Legislature

Convened—March 21, 1979

Adjourned *Sine Die*—June 1, 1979

**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
FIRST EXTRAORDINARY SESSION  
OF THE  
FORTY-SIXTH LEGISLATURE**

**FIRST DAY**

---

**NOON SESSION**

---

Senate Chamber, Olympia, Wednesday, March 21, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Gretchen Weigman and Gregory Gentry, presented the Colors. Reverend Raymond D. Morrison, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"IN THIS, THE DAY THAT THE LORD HATH MADE, HELP US, OF GOD, TO PAUSE THIS MOMENT TO REJOICE AND BE GLAD IN IT; TO APPRECIATE ITS BEAUTY AND TO RISE TO ITS OPPORTUNITY.

"DELIVER US, WE PRAY THEE, FROM THE TYRANNY OF TRIFLES. MAY WE GIVE OUR BEST THOUGHT AND ATTENTION TO WHAT IS IMPORTANT, THAT THE WORTHWHILE MAY BE ACCOMPLISHED. TEACH US HOW TO LISTEN TO THE PROMPTING OF THY

SPIRIT, AND THUS BE SAVED FROM THE FLOUNDERING OF INDECISION THAT WASTES TIME, SUBTRACTS FROM OUR PEACE, DIVIDES OUR EFFICIENCY, AND MULTIPLIES OUR TROUBLES. IN THE NAME OF CHRIST JESUS OUR LORD. AMEN."

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

March 21, 1979.

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

MR. PRESIDENT:

I, Bruce K. Chapman, Secretary of State of the state of Washington and custodian of the official seal of the State, do hereby certify that I have compared the attached copy of the proclamation of the Governor calling an extraordinary session of the Legislature of the state of Washington to convene on the 21st day of March, 1979, with the original of said proclamation now on file in this office and find the same to be a full, true and correct copy of said original, and the whole thereof, together with all official endorsements thereon.

IN TESTIMONY THEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol at Olympia on the 21st day of March, 1979.

BRUCE K. CHAPMAN  
Secretary of State.

Seal of the State of Washington

PROCLAMATION BY THE GOVERNOR

Office of the Governor.

The regular session of the 1979 Legislature adjourned SINE DIE March 8, 1979, pursuant to the mandate of Article II, Section 12 of the Washington State Constitution.

Although the members of the 46th Legislature endeavored to address, and did consider, many important issues in the regular 60-day session, the main concerns of the biennial budget for Fiscal Years 1979-81 remain to be addressed. Accompanying bond bills needed to finance many agencies and programs have yet to be acted upon. Executive and departmental request bills together with other important legislation need attention.

Much of this legislation has already received considerable committee action and study and thus a special session need not be a lengthy one. Accordingly, as I publicly announced March 9, 1979, a special session will be necessary to complete the needed business of the state.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution, do hereby convene the Legislature of the State of Washington in extraordinary session in the Capitol at Olympia on the twenty-first day of March, A. D., 1979, at the hour of ten o'clock a.m. for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this twenty-first day of March, A. D., Nineteen Hundred and Seventy-nine.

DIXY LEE RAY  
Governor of the State of Washington

By the Governor:  
DONALD F. WHITING  
Deputy Secretary of State  
Seal of the State of Washington

#### MOTION

Senator Walgren moved adoption of the following resolution by Senators Walgren, Odegaard, Matson and Newschwander:

#### SENATE RESOLUTION 1979-54

By Senators Walgren and Odegaard:

WHEREAS, The offices of President Pro Tempore of the Senate, Vice President Pro Tempore, Secretary of the Senate and Sergeant at Arms of the Senate were filled by competent persons during the forty-sixth regular session of the legislature; and

WHEREAS, These officers served in a distinguished and satisfactory manner; and

WHEREAS, The standing committees of the Senate were formed and operated properly and efficiently during the forty-sixth regular session of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That said officers, committee chairmen and committee members of the said regular session shall constitute the officers and committees of the first extraordinary session of the forty-sixth legislature.

#### MOTION

On motion of Senator Matson, the names of Senators Matson and Newschwander were deleted from sponsorship of the resolution.

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

#### MOTION

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

#### SENATE RESOLUTION 1979-55

By Senators Walgren, Odegaard, Matson and Newschwander:

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

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Lee, Shinpoch and Williams as a committee of three under the provisions of Senate Resolution 1979-55 to notify the House that the Senate is organized and ready to transact business.

#### MOTION

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

## MOTION

On motion of Senator Walgren, the Senate returned to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 115, by Senators Walgren, Odegaard, Matson and Newschwander;

Notifying the Governor that the legislature is in session.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 115 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 115 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

## MOTION

On motion of Senator Walgren, the Senate returned to the third order of business.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 21, 1979.

## MESSAGE TO THE SENATE

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

LADIES AND GENTLEMEN:

Since the end of the regular session of the 46th Legislature on March 8, I have reviewed the resulting legislation and evaluated the items that need further attention. As promised, I have prepared a list of several bills and issues that require action and are essential to our citizens.

## BUDGETS

The two most important bills before you are the Capital Budget (HB 235) and the Operating Budget (HB 236) for the next biennium. Much excellent legislative work has already been done on these complex measures, especially within the House Appropriations Committee and the Senate Ways and Means Committee. These careful reviews will in general confirm my recommendations for the appropriate level of services to be provided within available resources for state government programs in the coming biennium; I am confident that final budget determinations are near at hand.

A most important budgetary issue to be resolved during the special session is the state's policy toward full funding of basic education. Once again I ask your support for my position that 100 percent funding is not only possible but necessary in the first year of the biennium. This will meet both the mandate of the court and deliver on our promise to provide tax relief to the property owner.

## BOND AUTHORIZATIONS

Also before you are a number of bills sponsored at my request seeking bond authorizations for various capital improvements. They include funds for such projects as: a new 500 bed medium security adult corrections facility; construction of two group homes and improvements at Rainier School and Lakeland Village;

expansion of municipal, industrial and agricultural water supply facilities; renovations of state owned buildings to provide handicapped access in compliance with federal mandates; salmon hatchery improvements; outdoor recreation improvements; badly needed office space for the Olympia Capital Campus; repairs and improvements of several facilities for higher education including health and safety improvements at the community colleges and expansions for vocational training programs at five campuses; a training center to serve the statewide needs of our volunteer firemen; and initial funding for the renovation and construction of local jails to meet minimum jail standards. All these requests are essential for the continuation of current programs and services to meet the needs of our growing population.

#### SENIOR CITIZENS

The quality of life of our senior citizens continues to be an extremely important concern. The legislature is to be commended for its accomplishments in this area during the regular session. There remain, however, three of my proposals that need your priority attention in the special session. These are:

##### **The Senior Citizens Service Act (SB 2237, HB 491)**

A reenactment of the Senior Citizens Service Act, which provides an appropriation of \$13.6 million, should be the cornerstone of our efforts to serve the needs of our growing population of retired persons and to assure an acceptable level of quality in their lives. Reenactment of this legislation will enable us to continue the fine programs that were begun when the Federal Act was first passed in 1976.

##### **Property Tax Exemption (SB 2374, HB 651)**

Inflationary pressures on the costs of housing result in increasing property taxes that must be paid directly or indirectly (rents) by our citizens. These increases are especially burdensome to the elderly and others on fixed incomes. This bill is essential to provide the necessary property tax relief to the elderly to help enable them to stay in their homes if they are physically able to do so.

##### **Pension Systems Adjustments (SHB 500, SSB 2240)**

Increases in the costs of living have a serious impact on persons on fixed incomes. These bills provide cost of living increases to state employees in those state retirement systems that have lagged in such adjustments.

#### LOW INCOME CITIZENS

Inflationary pressure on the costs of housing adversely affect not only the retired, but all persons on limited or fixed incomes. To improve this situation for low income citizens, two proposals are before you:

##### **Property Tax Relief (SJR 113, HJR 18)**

An amendment to the State's Constitution is needed to provide property tax relief to low income home owners who are not retired. This question must be placed before the voters in the next general election. I urge your passage of this executive request legislation.

##### **Housing Finance Commission (HB 20)**

To assist low to moderate income persons to acquire suitable housing I have proposed the establishment of a Housing Finance Commission. The Commission would be authorized to issue tax free revenue bonds and pass the interest rate savings along to qualified buyers in the form of reduced interest rate mortgages. The right to adequate housing for all our citizens is a proper concern of the state. Let us step up to our responsibilities in this area with the passage of HB 20.

#### HEALTH

Your special consideration is requested in two areas that will significantly improve the health of our citizens:

##### **Immunization of Children (HB 502, SB 2241)**

In recent weeks, there has been an outbreak of measles in an area of King county; outbreaks previously have been reported in Pierce and other counties. It is clear that such outbreaks are preventable if an immunization program is established.

Please bring out this bill this session; we owe it to the children, our state's future generation.

#### **Nursing Homes**

Maintaining the quality of medical and supportive care provided by nursing homes should be a fundamental element in our program of support for the elderly, the sick, and the infirm. I was pleased to receive the bill dealing with certification of nursing assistants that you passed during the regular session. Remaining is a package of bills that I feel need to be resolved in the weeks ahead; the bills concern cost reimbursement, resident care standards, medical care fraud, and patient abuse.

#### **GOVERNMENT**

There are numerous issues discussed to date that concern the act and administration of governing. Of those, there are six areas which are of special importance:

##### **The State Energy Office**

Numerous audits and studies have shown the present shortcomings of the existing State Energy Office. All agree that it has suffered from weak management and unclear objectives. The need now is not to belabor what has passed, but to correct the weaknesses and prepare for an uncertain energy future. The functions of this office should be preserved and strengthened. I urge you, therefore, to continue to evaluate the need to find a proper organizational home for this office and to consider all alternatives. Whatever the final resolution, I further ask that the administration be provided adequate time, at least in the coming biennium, to make it successful. Constant meddling with the structure or mandates to this office within that time could only frustrate our efforts to strengthen its management and its performance.

##### **Occupational Regulation (SHB 315)**

The function of regulating certain occupations is basic to consumer protection in this state. But that power should be exercised in a manner that both protects the public interest and holds down the costs which ultimately pass to the consumer and taxpayer. By adopting a specific analytical review process prior to adding more regulation or licensing of an occupation, we can meet that objective. Your passage of SHB 315 will help assure that the legitimate needs of the consumer are protected rather than limiting entry and constraining competition among private service providers.

##### **State Debt Limitations (SB 2176, HB 501)**

One means of promoting fiscal responsibility by the state is to place a limit on the amount of debt service that may be obligated. These measures, which limit the total debt service to 7 percent of the mean of general state revenue of the three preceding years, are responsive to the growing demands for limitations on state expenditures. This limitation will maintain and improve the state's bond rating in order to lower interest payments on future state debt.

##### **Personnel Appeals Board**

As I stated in the "Report On My Second Year In Office," I believe that creation of a Personnel Appeals Board is necessary for the efficient, consistent, and equitable review of appeals from certain personnel actions. The dual responsibilities of the present Personnel Board makes timely action on appeals cases very difficult and I urge you to give creation of an Appeals Board special emphasis.

##### **Governmental Liability Limitations (HB 493, SB 2246)**

It has become increasingly apparent that there needs to be reform of our laws dealing with liability for certain tortious actions; an indication of this need is the number of bills that have been introduced concerning various aspects of both tort and product liability. As you review these matters and strive towards a doctrine that is reasonable and equitable, bear in mind the inequitable situation in which state and local governments have found themselves recently. A situation exists whereby a governmental unit found responsible for a minute portion of the fault or the damages may be required to pay 100 percent of the compensation. We continue to seek,

for all governmental units, a reasonable limitation on their liability in three areas: highway design, licensing, and inspections. This is a matter of great importance to all governmental entities in the state and, therefore, to all taxpayers.

#### **Growth Management**

As our state continues to grow and develop, the myriad issues related to management of that growth at local levels becomes more important. Thus, as you deal with legislation affecting local governments and their ability to manage and function in a changing environment, I encourage you to bear in mind the observations and recommendations contained in the Report of the Executive Working Group on Growth Management. We must recognize the substantial impact our state's rapid growth is having and assure that all governmental entities have the authority and resources adequately to deal with it. To that end, this administration submitted HB 1119 to give the county governments such authority if they should choose to use it.

#### **CRIMINAL JUSTICE**

The final area that I wish to address is criminal justice. You are to be commended on the efforts and accomplishments made regarding juvenile justice during the regular session. Your passage of SSB 2768, which embodied several earlier bills, will result in more equitable handling of juveniles and improve administration of the Juvenile Justice Act of 1977.

#### **LEGISLATIVE SESSION**

In conclusion, I would like to express my gratitude that you have passed SJR 110, which will allow the voters of this state to decide whether regular annual sessions of the legislature are needed and appropriate. I am also confident that during this special session of the 46th Legislature, you can complete your work for 1979 in an efficient and expeditious manner.

Sincerely,  
DIXY LEE RAY  
Governor.

#### **REPORT FROM SPECIAL COMMITTEE APPOINTED TO NOTIFY HOUSE OF REPRESENTATIVES THAT SENATE IS ORGANIZED**

The Senate members of the special committee appointed under the provisions of Senate Resolution 1979-55 comprised of Senators Lee, Shipoch and Williams to notify the House of Representatives the Senate is organized and ready to transact business reported that the House of Representatives had been notified.

The report was received and the committee was discharged.

#### **COMMITTEE FROM THE HOUSE OF REPRESENTATIVES NOTIFYING SENATE THAT HOUSE IS ORGANIZED**

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee consisting of Representatives Bender, Flanagan, Garrett and Zimmerman appeared before the bar of the Senate to notify the Senate that the House of Representatives was organized and ready to transact business.

#### **APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS ORGANIZED**

The President appointed Senators Gould, Wojahn and Woody, under the provisions of Senate Concurrent Resolution No. 115 to join with a like committee from the House of Representatives to notify the Governor that the legislature is organized and ready to transact business.

MOTION

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

MESSAGES FROM THE GOVERNOR

Office of the Governor, March 16, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 16, 1979, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2078: Relating to motor vehicles.

SUBSTITUTE SENATE BILL NO. 2117: Relating to special purpose districts.

SUBSTITUTE SENATE BILL NO. 2118: Relating to special purpose districts.

SENATE BILL NO. 2121: Relating to human remains.

SENATE BILL NO. 2136: Relating to dentistry.

SENATE BILL NO. 2178: Relating to guardianship.

SENATE BILL NO. 2186: Relating to utilities.

SUBSTITUTE SENATE BILL NO. 2275: Relating to horse racing.

SUBSTITUTE SENATE BILL NO. 2291: Relating to highway funds.

SUBSTITUTE SENATE BILL NO. 2304: Relating to the taxation and regulation of special fuel.

Sincerely,  
H. B. HANNA  
Legal Counsel.

Office of the Governor, March 14, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 13, 1979, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2028: Relating to police telephone communications in emergency hostage situations.

SENATE BILL NO. 2417: Relating to victims of crimes restitution.

SUBSTITUTE SENATE BILL NO. 2252: Relating to transportation supplemental budget.

Sincerely,  
H. B. HANNA  
Legal Counsel.

Office of the Governor, March 20, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 19, 1979, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2155: Relating to the provision of food services by school districts.

SENATE BILL NO. 2159: Relating to public lands and materials.

SUBSTITUTE SENATE BILL NO. 2274: Relating to county treasurers.

SENATE BILL NO. 2321: Relating to the department of game.

**SUBSTITUTE SENATE BILL NO. 2376:** Relating to local improvement guaranty funds.

Sincerely,  
H.B. HANNA  
Legal Counsel.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT**

Office of the Governor, March 19, 1979.

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

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

Mr. Henry Seidel, appointed March 8, 1979, for a term ending September 30, 1979, succeeding Delores Teutsch as a member of the Board of Trustees, Community College District No. 8.

Sincerely,  
DIXY LEE RAY  
GOVERNOR.

Referred to Committee on Higher Education.

**REPORT OF SPECIAL COMMITTEE  
APPOINTED TO NOTIFY THE GOVERNOR  
THAT THE LEGISLATURE IS ORGANIZED**

The Senate members of the special committee consisting of Senators Gould, Wojahn and Woody appointed under the provisions of Senate Concurrent Resolution No. 115 to notify the Governor that the Legislature is organized, appeared before the bar of the Senate and reported that the Governor had been notified.

The report was received and the committee was discharged.

**MOTION**

At 10:40 a.m., on motion of Senator Walgren, the Senate was declared to be at case.

At 11:04 a.m., the President called the Senate to order.

**MESSAGE FROM THE HOUSE**

March 21, 1979.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 16, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

**MOTION**

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

**HOUSE CONCURRENT RESOLUTION NO. 16,** by Representatives Polk and King:

Reintroduction of measures for the first extraordinary session.

## MOTIONS

On motion of Senator Odegaard, the rules were suspended, House Concurrent Resolution No. 16 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 16 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Walgren, on proper reflection and looking over some of the bills, I have decided to change my approach on some of them and hopefully some of the rest of the members of the Senate will do the same. Could you advise, are we going to have separate roll calls on each bill?"

Senator Walgren: "No, but you can advise the Secretary of your changed mind for the better."

Senator Rasmussen: "Well that is the first time, Senator Walgren, I have ever had the Secretary cast my vote on this floor. It is a rather unusual approach."

Senator Walgren: "No, it isn't, Senator. We have done this several times past."

Senator Rasmussen: "Not when I have changed my vote. Well, it is like they say, you learn something new everyday."

## MOTION

At 11:10 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

## NOON SESSION

The President called the Senate to order at 12:05 p.m.

## MOTION

At 12:06 p.m., on motion of Senator Marsh, the Senate recessed until 12:45 p.m.

## AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 12:45 p.m.

## MOTION

On motion of Senator Walgren, Senate Bills 2034, 2580; Senate Joint Resolution 109 and Senate Concurrent Resolution No. 113 were returned to the Committee on Rules.

## MOTION

On motion of Senator Walgren, Senate Bill No. 2062 was ordered placed on the third reading calendar for Thursday, March 22, 1979.

## MOTION

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

## THIRD READING

SENATE BILL NO. 2015, by Senator Talley:

Designating an official dance for the state.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2015.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2015 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2024, by Committee on Ways and Means (originally sponsored by Senators Donohue, Matson, Odegaard, Scott and Conner):

Extending the 106% limit to state levies for schools.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2024.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2024 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Gould, Ridder—2.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2032, by Committee on Commerce (originally sponsored by Senators Rasmussen, Newschwander, Clarke and Conner) (by Legislative Budget Committee request):

Modifying regulation of commercial driver training schools and instruction.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2032.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2032 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2042, by Committee on Higher Education (originally sponsored by Senators McDermott and Conner):

Authorizing pilot programs allowing undergraduate higher education students whose parents are assigned to consular missions to pay like fees as resident students.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2042.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2042 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Clarke, Moore, Pullen, Scott, von Reichbauer, Wanamaker—6.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2053, by Senator Bluechel:

Authorizing the formation of park and recreation districts containing portions of two counties.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2053.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2053 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2055, by Committee on Education (originally sponsored by Senators Odegaard and Gould):

Mandating course for teachers in how to identify children with learning/language disabilities.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2055.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2055 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2058, by Committee on Natural Resources (originally sponsored by Senators Peterson, Donohue, Benitz and Conner) (by Department of Natural Resources request):

Regulating leasing of public lands.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2058.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lysen, McDermott, Pullen, Shinpoch—4.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2084, by Senator Conner:

Exempting nonprofit youth organizations from the timber excise tax.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2084.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2084 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2095, by Judiciary Committee (originally sponsored by Senators Marsh, Henry and Talley):

Creating additional superior court judge positions.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2095.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2095 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Lewis, Marsh, Matson, Morrison, Odegaard, Peterson, Quigg, Ridder, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wojahn, Woody—31.

Voting nay: Senators Donohue, Goltz, Jones, Lee, Lysen, McDermott, Moore, Newschwander, North, Pullen, Rasmussen, Scott, Shinpoch, von Reichbauer, Wanamaker, Williams, Wilson—17.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2097, by Committee on Transportation (originally sponsored by Senators Conner, Henry and Hayner):

Recognizing mopeds as motor vehicles for certain purposes.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2097.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2097 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—45.

Voting nay: Senators Jones, Matson, Wilson—3.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2106, by Senators Talmadge and Wojahn:

Modifying items of personal property exempt from execution and attachment.

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

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 2106.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2106 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2130, by Senators McDermott and Gaspard (by Superintendent of Public Instruction request):

Implementing law relating to services of educational service districts.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2130.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2130 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2131, by Senators McDermott, Gaspard and Morrison (by Superintendent of Public Instruction request):

Appropriating moneys to surplus and donated food commodities revolving fund for 79-81 biennium.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2131.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2131 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2133, by Senators McDermott and Gould:

Allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2133.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2133 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Voting nay: Senators Lysen, Williams—2.

Excused: Senator Keefe—1.

SENATE BILL NO. 2133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2135, by Senator Conner (by Joint Legislative Transportation Committee request):

Providing for judges to issue a temporary driver's license to a petitioner for an occupational driver's license.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2135.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2135 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2140, by Committee on Higher Education (originally sponsored by Senators Odegaard and Goltz):

Permitting funds for scholarships for performing arts students so long as moneys from performing arts events go into fund therefor.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2140.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2140 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2143, by Senators McDermott, Talmadge, North and Fleming:

Changing descriptive designation of certain first class districts in class AA counties.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2143.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2143 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Scott—2.

SENATE BILL NO. 2143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SUBSTITUTE SENATE BILL NO. 2158**, by Committee on Local Government (originally sponsored by Senators Wilson, North, Bluechel, Bottiger, Williams, Gaspard, Gould, Goltz and Hansen):

Providing for the classification and conveyance of conservation rights as real property.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2158.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2158 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**SUBSTITUTE SENATE BILL NO. 2158**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 2161**, by Committee on Local Government (originally sponsored by Senators Wilson, Walgren, Lewis, North, Gaspard, Gallagher and Vognild):

Revising the limitations and procedures for cities and towns to administer small public works projects.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2161.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2161 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Bluechel, Guess, Matson, Newschwander—4.

Excused: Senator Keefe—1.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 2161**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SENATE BILL NO. 2162**, by Senator Van Hollebeke:

Raising the minimum limits of financial responsibility for motor vehicle accidents.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2162.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2162 and the bill passed the Senate by the following vote: Yeas, 35; nays 13; excused, 1.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Peterson, Quigg, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Woody—35.

Voting nay: Senators Bausch, Bluechel, Goltz, Lysen, McDermott, Odegaard, Pullen, Rasmussen, Ridder, Talley, Williams, Wilson, Wojahn—13.

Excused: Senator Keefe—1.

SENATE BILL NO. 2162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2165, by Senators Talley, Henry and Guess:

Replacing authority for the department of transportation to approve airport sites.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2165.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2165 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Voting nay: Senators Lysen, Matson, Van Hollebeke, Williams—4.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2173, by Senators Talmadge, Clarke and Woody:

Revising the laws relating to court commissioners.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2173.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2173 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2176, by Senators Donohue, Shinpoch and Scott (by State Treasurer request):

Revising the law relating to state debts.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2176.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2176 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2177, by Committee on Local Government (originally sponsored by Senators Wilson, Walgren, North, Gallagher and Woody):

Permitting counties to set their own monetary limit for day labor on county roads.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2177.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2177 and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bluechel, Clarke, Donohue, Guess, Jones, Lee, Lewis, Matson, Newschwander—9.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2181, by Committee on Ways and Means (originally sponsored by Senators Rasmussen, Donohue, Scott, Odegaard, Marsh, Matson, Shinpoch, Gaspard, Gallagher, von Reichbauer, Lewis, Pullen,

Newschwander, Clarke, Bottiger, Day, North, McDermott, Peterson, Walgren, Wilson, Moore, Talmadge, Hansen, Guess, Wojahn, Ridder, Goltz, Conner, Jones, Lee, Benitz, Sellar, Bluechel, Fleming, Talley, Wanamaker, Quigg, Morrison, Hayner, Van Hollebeke, Woody, Bausch and Vognild):

Revising the inheritance and gift tax.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2181.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2181 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2182, by Committee on Ways and Means (originally sponsored by Senators Rasmussen, Donohue, Scott, Odegaard, Walgren, Matson, Shinpoch, Gaspard, Conner, Jones, Lewis, Van Hollebeke, Woody, Hayner, Morrison, Lee, Sellar, Bluechel, Goltz, Hansen, Talley, Fleming, Wanamaker, Guess, Talmadge, Wilson, Quigg, Benitz, Wojahn, Ridder, Day, Gallagher, Newschwander, Pullen, Clarke, McDermott, North, Bottiger, von Reichbauer, Moore, Peterson, Bausch and Vognild):

Revising the gift tax.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2182.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2182 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2191, by Senators Bottiger, Benitz, Hayner and Lee:

Declaring geothermal resources to be the private property of owner of the surface land.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2191.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2191 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—43.

Voting nay: Senators Goltz, Lysen, Shinpoch, Talmadge, Wilson—5.

Excused: Senator Keefe—1.

SENATE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2192, by Committee on State Government (originally sponsored by Senators Bausch, Odegaard, Rasmussen, Pullen and Newschwander):

Establishing a program for compensation of certain state employees for unused sick leave above a certain level.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2192.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2192 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Bluechel, Lysen, Scott, Sellar—4.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2204, by Senators Woody, Odegaard, Conner, Peterson, Newschwander, von Reichbauer and Talley:

Modifying the provisions for free hunting and fishing licenses.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2204.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2204 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Benitz, Bluechel, Gould, Jones, Lee, Lysen, North, Scott—8.

Excused: Senators Keefe, Matson—2.

ENGROSSED SENATE BILL NO. 2204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2209, by Committee on Transportation (originally sponsored by Senators Wanamaker, Henry, Sellar and Donohue):

Requiring the seller of a vehicle to have a Washington title.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2209.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2209 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2213, by Judiciary Committee (originally sponsored by Senators Marsh, Talmadge, Hayner, Clarke and Jones):

Making various changes in the juvenile justice act of 1977.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2213.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2213 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2224, by Senators Conner, Gaspard, Rasmussen, Talley, Quigg, Walgren, Van Hollebeke, Moore, Peterson, Odegaard, Goltz, Wilson, Bausch, Vognild, Benitz, Wojahn, Talmadge and Morrison:

Establishing a schedule of early retirement pensions for volunteer firemen.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2224.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2224 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2229, by Senators Walgren and Marsh:

Revising the criminal code.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2229.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2229 and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shipoch, Talley, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—38.

Voting nay: Senators Bottiger, Fleming, Goltz, Lysen, McDermott, Moore, Ridder, Talmadge, Van Hollebeke, Williams—10.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2236, by Senators Ridder, Lee, Goltz, Walgren, Moore, McDermott, Vognild, Talmadge and Lysen:

Providing collective bargaining rights for certain personnel of institutions of higher education.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2236.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2236 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Hansen, Henry, Lee, Lysen, Marsh, McDermott, Moore, Odegaard, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Wanamaker, Wilson—18.

Excused: Senators Keefe, Peterson—2.

SENATE BILL NO. 2236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2237, by Senators Day, Donohue, Conner, Wilson, Gaspard, Newschwander, Wanamaker, North, Lee, Morrison, Gallagher, Quigg, Van Hollebeke, Goltz, Vognild, Hayner, Jones, Bluechel, Sellar, Guess, Peterson, Shinpoch, Moore, Walgren, Odegaard, Fleming, Ridder, Rasmussen, von Reichbauer, Marsh, McDermott, Talmadge, Woody, Talley, Wojahn, Williams and Bausch (by Executive request):

Modifying and extending the senior citizens service act.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2237.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2237 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2242, by Senators Rasmussen, Day, McDermott, Woody, Conner, Sellar, Benitz and Guess (by Executive request):

Authorizing a designee or other state official to serve in the governor's stead on certain boards.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2242.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry,

Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Lysen—1.

Excused: Senators Benitz, Gould, Keefe—3.

ENGROSSED SENATE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2257, by Senators Clarke, Rasmussen and Bluechel (by Legislative Budget Committee request):

Relating to public printing.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2257.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2257 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2259, by Senators Day, Marsh, Talmadge, Hayner, Jones and Wanamaker:

Excluding certain professional organizations from the definition of "insurer".

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2259.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2259 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Clarke—1.

Excused: Senators Keefe, Shinpoch—2.

SENATE BILL NO. 2259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2262, by Senators Odegaard, Wilson, Day, Matson, Woody, Morrison, Fleming, Gould, Gaspard, Moore, Donohue, Vognild and Talmadge:

Authorizing local governments to administer senior citizen programs.

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

The President declared the question before the Senate to the roll call on final passage of Senate Bill No. 2262.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2262 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2272, by Senators Day, Quigg, Wanamaker and Hayner:

Requiring continuing education for nurses.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2272.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2272 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—46.

Voting nay: Senators Lysen, Williams—2.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2290, by Senators Conner, Hansen and Guess (by Department of Transportation request):

Revising the powers of the department of transportation relative to highways.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2290.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2290 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2294, by Judiciary Committee (originally sponsored by Senators Van Hollebeke and Clarke):

Increasing money amount for jurisdiction of justice of peace court.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2294.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2295, by Senators Scott, Shinpoch, Bluechel and Odegaard (by Legislative Budget Committee request):

Disestablishing certain obsolete state funds and accounts.

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

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 2295.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2295 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Shinpoch—2.

SENATE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2296, by Senators Scott, Shinpoch and Bluechel (by Legislative Budget Committee request):

Revising laws relating to veterans.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2296.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2296 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2297, by Senators Scott and Goltz (by Legislative Budget Committee request):

Repealing higher education assistance authority act.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2297.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2297 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Gould, Keefe—2.

SENATE BILL NO. 2297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2299, by Committee on Transportation (originally sponsored by Senators Gaspard, Bottiger and Moore):

Requiring railroads to provide first aid training for certain employees.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2299.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2299 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Bluechel, Hayner, Jones, Lewis, Matson, Sellar—6.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2306, by Committee on Financial Institutions and Insurance (originally sponsored by Senators Bausch and Clarke) (by Department of Licensing request):

Establishing enforcement mechanisms under the franchise investment protection act.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2306.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2306 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Matson, Walgren—2.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2317, by Committee on Labor (originally sponsored by Senators Ridder, Lysen and McDermott):

Revising the law relating to reduction in workers' compensation based on receipt of federal benefits.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2317.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2317 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2333, by Senators Hansen, Clarke, Hayner, Talley, Bausch and Bluechel:

Modifying tort and product liability law.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2333.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2333 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Rasmussen—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2333, having received the constitutional majority, was passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2335, by Committee on Ways and Means (originally sponsored by Senators Fleming, Jones, Ridder, Morrison, Day, McDermott, North and Lee) (by Select Committee on Nursing Homes request):

Establishing a nursing home audit and cost reimbursement system.

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

The President declared the question before the Senate to be a roll call on the final passage of Engrossed Substitute Senate Bill No. 2335.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2335 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Guess, Matson, Morrison, Newschwander, Rasmussen, Wanamaker—6.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2336, by Committee on Social and Health Services (originally sponsored by Senators Fleming, Jones, McDermott, Morrison, Ridder, Day and North) (by Select Committee on Nursing Homes request):

Providing for resident care standards in nursing homes.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2336.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2336 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Guess, Matson, McDermott, Newschwander, Pullen, Wanamaker—6.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2337, by Committee on Social and Health Services (originally sponsored by Senators Fleming, Jones, North, Morrison, Ridder, Day, McDermott and Hayner) (by Select Committee on Nursing Homes request):

Revising laws relating to fraud in connection with medical care claims to the state.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2337.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2337 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Guess, Matson, McDermott, Sellar—4.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2338, by Senators Fleming, Jones, North, McDermott, Ridder, Morrison and Day (by Senate Select Committee on Nursing Homes of the 45th Legislature request):

Revising laws relating to nursing homes.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2338.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2338 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Guess, Matson, McDermott, Newschwander, Pullen, Wanamaker—6.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2343, by Senators Henry, Wanamaker and Peterson:

Authorizing truck semitrailers to pull a second trailer.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2343.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2343 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2349, by Senators Bottiger, Lewis and Woody (by Washington Utilities and Transportation Commission request):

Modifying penalties for failure to pay certain regulatory fees.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2349.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2349 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2354, by Senators Fleming, Guess and Ridder (by Department of Transportation request):

Modifying the requirements for publication of the call for bids for highway projects.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2354.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2354 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Talmadge—1.

Excused: Senators Bottiger, Keefe—2.

SENATE BILL NO. 2354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2362, by Senators Woody, Ridder, Fleming, Gould and North:

Requiring landlords to give increased notice of major changes in the status or policy of rented residential property.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2362.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2362 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Clarke, Guess, Matson, Newschwander, Pullen, Talley, Wanamaker—7.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2372, by Committee on Constitution and Elections (originally sponsored by Senators Wilson and Lewis):

Providing for postponement of an election to fill a partisan elective office becoming vacant shortly before the primary.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2372.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2372 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2373, by Committee on Constitution and Elections (originally sponsored by Senators Woody, Lewis and Bottiger):

Enumerating executive branch officials required to file personal financial disclosure reports.

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

The President declared the question before the Senate to be the roll on final passage of Substitute Senate Bill No. 2373.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2373 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison,

Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Moore, Talmadge—2.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2374, by Committee on Ways and Means (originally sponsored by Senators Odegaard, Donohue, Talley, Woody, Shinpoch, Van Hollebeke, McDermott, Wilson, von Reichbauer, Benitz, Sellar, Gallagher, North, Guess, Wanamaker, Lee, Peterson, Day, Moore, Marsh, Talmadge, Vognild, Bausch, Goltz, Williams, Scott, Quigg, Morrison, Lewis and Gaspard (by Governor Ray request):

Revising the property tax treatment of retired owners.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2374.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2374 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Wanamaker—2.

SUBSTITUTE SENATE BILL NO. 2374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2385, by Senators Day and Moore:

Requiring funeral directors to divulge certain information to customers.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2385.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2385 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2388, by Committee on Natural Resources (originally sponsored by Senators Newschwander, Bausch and Odegaard):

Modifying the privilege fees on certain producers of food fish.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2388.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2388 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Shinpoch—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2398, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

Modifying procedures for the replacement of lost or destroyed state warrants.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2398.

#### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 2398 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2402, by Senators McDermott, Lysen, Woody and Talley:

Providing for annual adjustments for disability and death benefits under the industrial insurance act.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2402.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2402 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Benitz, Bluechel, Conner, Fleming, Guess, Matson, Newschwander—7.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2418, by Committee on Transportation (originally sponsored by Senator Henry):

Insuring accuracy and proper usage of drivers' records.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2418.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2418 and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Woody—33.

Voting nay: Senators Bluechel, Clarke, Gould, Lee, Lysen, McDermott, North, Odegaard, Pullen, Ridder, Scott, Talmadge, Williams, Wilson, Wojahn—15.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2422, by Committee on Social and Health Services (originally sponsored by Senator Day):

Revising laws relating to certain health care professionals.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2422.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2422 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2423, by Senators Bausch and Jones:

Modifying the application of insurance laws to title insurers.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2423.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2423 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2433, by Senators Day, Ridder and Shinpoch:

Revising the definition of unemployable persons.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2433.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2433 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2439, by Committee on Natural Resources (originally sponsored by Senators Gallagher, Newschwander and Talley):

Establishing penalties for fisheries violations.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2439.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2439 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wanamaker, Williams, Woody—36.

Voting nay: Senators Fleming, Gaspard, Lysen, McDermott, Moore, Odegaard, Rasmussen, Talmadge, Van Hollebeke, Walgren, Wilson, Wojahn—12.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2461, by Senators Rasmussen, McDermott and Wanamaker (by Utilities and Transportation Commission request):

Redesignating the utilities and transportation commission as the public service commission.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2461.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2461 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2461, having received the constitutional majority, was declared passed. There being no objections, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2462, by Senators Rasmussen, Clarke and Wojahn (by State Treasurer request):

Extending the authorized types of investments for state funds.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2462.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2462 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SENATE BILL NO. 2462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 2465, by Committee on Ways and Means (originally sponsored by Senators Odegaard, Goltz, Donohue, McDermott and Williams):

Prorating on a twelve-month basis the retirement credit of classified employees of institutions of higher education.

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

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 2465.

### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2465 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SECOND SUBSTITUTE SENATE BILL NO. 2465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2492, by Senators Day, Marsh and Van Hollebeke:

Requiring emergency teletypewriters to aid persons with hearing defects.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2492.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2492 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Wanamaker—2.

ENGROSSED SENATE BILL NO. 2492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2502, by Senators Conner, Day and Rasmussen (by Department of Veterans Affairs request):

Providing free license plates of a distinctive design for Medal of Honor winners.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2502.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2502 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Matson—2.

SENATE BILL NO. 2502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2518, by Committee on Education (originally sponsored by Senators McDermott, Matson and Gaspard) (by Superintendent of Public Instruction request):

Implementing law relating to use of school plants for community activities.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2518.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2518 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Benitz, Donohue, Hayner, Lewis, Pullen—5.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2602, by Senators Conner, Hansen, Bausch, Matson and Jones:

Authorizing licensed beer distributors to act as agents of manufacturers of distilled spirits.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2602.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2602 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Hansen, Henry, Jones, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—37.

Voting nay: Senators Bluechel, Fleming, Gould, Guess, Hayner, Lee, Lysen, Newschwander, North, Pullen, Shinpoch—11.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2756, by Senators Guess and Hansen:

Exempting certain department of transportation records from public disclosure.

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

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2756.

### ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 2756 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Day, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Scott, Sellar, Talley, Vognild, von Reichbauer, Walgren, Wanamaker, Woody—31.

Voting nay: Senators Bottiger, Conner, Donohue, Fleming, Gallagher, Lysen, McDermott, Moore, Odegaard, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Williams, Wilson, Wojahn—17.

Excused: Senator Keefe—1.

SENATE BILL NO. 2756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### STATEMENT FOR THE JOURNAL

#### LADIES AND GENTLEMEN OF THE SENATE:

I rise to oppose the passage of Senate Bill 2756 which would reverse the trend of full disclosure of public affairs. I ask the question, why should highway and ferry contracts and their financial details be exempt from the law? Is this a foot in the door for other agencies of government?

Will nursing homes, personal service contracts, public contracts with Boeing, the phone company, maybe even political campaigns will be exempt from public scrutiny?

The public demands full information. We need it to legislate. All of us here must disclose our financial affairs to stay in office.

Can we ask any less of those who would do business from the public treasury?

I ask you to vote against this regressive measure.

Signed/SENATOR KING LYSEN

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2798, by Committee on Commerce (originally sponsored by Senator van Hollebeke):

Deleting the employment agency advisory board from the termination schedule of the sunset law.

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

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2798.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2798 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Lysen—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE JOINT RESOLUTION NO. 112, by Senators Pullen, Day, Rasmussen, Hayner, Van Hollebeke, Vognild, Moore, Benitz, Bottiger, von Reichbauer, Fleming, Guess, Odegaard, Morrison, Bausch, Wojahn, Lewis, Talmadge, Wilson, Henry, Goltz, Peterson, Conner, Matson, Wanamaker, Sellar, Shinpoch, Lee, Jones, Quigg, Gaspard, North, Talley and Woody:

Amending the Constitution to permit a legislator to hold a civil office the salary of which was increased so long as he does not receive the increase.

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

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Resolution No. 112.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 112 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Donohue, Keefe, Rasmussen—3.

ENGROSSED SENATE JOINT RESOLUTION NO. 112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Jones, Senator Matson was excused.

#### MOTION

On motion of Senator Walgren, the Senate returned to the sixth order of business.

## SECOND READING

SENATE BILL NO. 2144, by Senators Bottiger, Gaspard, Goltz and Woody:  
Modifying the reward statutes.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2144 was substituted for Senate Bill No. 2144 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 2144 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Jones, Senator Lewis was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2144 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Day—1.

Excused: Senators Keefe, Lewis, Matson—3.

SUBSTITUTE SENATE BILL NO. 2144, having received the constitutional majority, 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. 2194, by Senators Ridder, Scott and Goltz:

Increasing dollar amount of capital construction projects of certain institutions of higher education before same have to be put out for public bid.

## MOTIONS

On motion of Senator Walgren, Senate Bill No. 2194 was ordered held on the second reading calendar for Thursday, March 22, 1979.

On motion of Senator Wilson, Senators Day and Shinpoch were excused.

## SECOND READING

SENATE BILL NO. 2218, by Senators Peterson, Conner, Vognild and Wanamaker (by Department of Natural Resources request):

Providing for cooperative land use planning by the department of natural resources and local governments.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended Senate Bill No. 2218 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2218 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Day, Keefe, Lewis, Matson, Shinpoch—5.

SENATE BILL NO. 2218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2267, by Senators Conner, Lee, Talley, Quigg and Gaspard:

Authorizing satellite facilities for credit unions.

The bill was read the second time by sections.

On motion of Senator Conner, the rules were suspended, Senate Bill No. 2267 was advanced to third reading, the second 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. 2267 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Day, Keefe, Lewis, Matson, Shinpoch—5.

SENATE BILL NO. 2267, having received the constitutional majority, 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. 2264, by Senators McDermott, Gould and Shinpoch:  
Enacting the Controlled Substances Therapeutic Research Act.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2264 was substituted for Senate Bill No. 2264 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 2264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Donohue: "Senator McDermott, where does the marijuana come from?"

Senator McDermott: "The marijuana comes from the board of pharmacy and it is controlled through that agency of state government."

Senator Donohue: "So we are going to legally be shipping marijuana into the state. Is that right?"

Senator McDermott: "Yes. It is going to be confiscated marijuana that will be used in this."

Senator Donohue: "Confiscated?"

Senator McDermott: "And then controlled. . . ."

Senator Donohue: "So if there is no marijuana to confiscate then, of course, can't go ahead and use it. Is that correct? If our law enforcement does its job as relates to the law and not allow marijuana in the state then, of course, the whole thing is in trouble. Right?"

Senator McDermott: "It is certainly possible that there might be an absolute reduction in the illegal supply but I think that the use of this drug has been proven scientifically enough that should that occur, I think there would be a reason for providing it for cancer patients and people like that. It is used for the control of nausea for people that are having chemotherapy, radiation. . . ."

Senator Donohue: "I understand that, Senator. What you are really saying then is there a problem. There isn't enough marijuana confiscated to supply the demand, then we would be importing it from someplace else. Is that true? Is it possible that this is opening the gate to legalize marijuana say two years from now or four years from now in the state of Washington?"

Senator McDermott: "The answer to that question, obviously, Senator Donohue, is no but we are going to get this marijuana from the national institutes of health. They have supplies which they use now for study and they will give it to states that want to use it for therapeutic purposes."

Senator Donohue: "Will the confiscated marijuana used here be confiscated in the state of Washington or are there provisions in federal law to allow the shipment of marijuana across state borders?"

Senator McDermott: "I didn't hear the testimony on that bill in committee. You might ask one of the committee members who was there and heard the testimony, either Senator Moore or Senator Vognild may have the answer to that."

## REMARKS BY SENATOR GOULD

Senator Gould: "If I may respond. In committee we amended the original bill to provide that the marijuana will be supplied through the federal government and it is marijuana they have grown and produced for research specifically. It is not confiscated. The original bill did have confiscated marijuana but we amended it so that it would be only marijuana that is grown for research by the federal government."

## POINT OF INQUIRY

Senator Donohue: "Senator Gould, is that grown in the state of Washington?"

Senator Gould: "No, not necessarily, that I know of."

Senator Donohue: "It is shipped into the state of Washington?"

Senator Gould: "That question was not asked. . . ."

Donator Donohue: "Where is it distributed from? What central agency?"

Senator Gould: "D.C., as far as I know."

Senator Donohue: "It is shipped from Washington, D.C.?"

Senator Gould: "Wherever the federal organization is."

Senator Donohue: "Do they have land back there they are growing marijuana on?"

Senator Gould: "I assume so . . . I didn't ask the question. . . ."

Senator Donohue: "I am just trying to get some answers to questions I had. . . ."

#### POINT OF INQUIRY

Senator Gould: "Senator McDermott, in the closing days of the first session we passed House Bill 259 which is essentially the same bill. Why is it necessary now to pass that . . . that one is on the Governor's desk at this point?"

Senator McDermott: "There was some confusion on the floor about whether or not that bill had been passed and that is why we are working on this bill. I thought it was House Bill 264. Actually Senator Day, who is chairman of this committee, was going to handle this bill and he is gone now and that is how it came up on the floor and I am sorry if there is confusion about it."

Senator Gould: "House Bill 259 — Controlled Substance Research — has been delivered to the Governor. It is my understanding, it is the same bill. I guess I am questioning whether we should be considering the same piece of legislation."

#### MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 2264 was ordered held on the third reading calendar for Thursday, March 22, 1979.

#### SECOND READING

SENATE BILL NO. 2268, by Senator Conner:  
Modifying the procedures for county road administration.

#### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2268 was substituted for Senate Bill No. 2268 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2268 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Donohue: "Senator Wilson, in section 3, the new section 3, as it relates to the primitive road system, is it possible that the county commissioners could, in fact, close an existing road that is being used today without a hearing?"

Senator Wilson: "Senator, the section 3 that you are referring to is in the original Senate Bill 2268. The substitute bill which is 98 in the floor book does not contain section 3. The primitive road feature was deleted."

Senator Donohue: "Okay. I understand."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2268 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley,

Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Day, Keefe, Lewis, Matson, Shinpoch—5.

SUBSTITUTE SENATE BILL NO. 2268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the Chair.

### SECOND READING

SENATE BILL NO. 2278, by Senators Talley, Guess and Henry:

Requiring whistle posts before certain railroad crossings.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 2278 was advanced to third reading, the second 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. 2278 and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; excused, 5.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—40.

Voting nay: Senators Benitz, Bluechel, Jones, Wilson—4.

Excused: Senators Day, Keefe, Lewis, Matson, Shinpoch—5.

SENATE BILL NO. 2278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### PERSONAL PRIVILEGE

Senator Sellar: "Just briefly, we thought that on this first day of the session and on the first day of Spring that a Wenatchee apple would be appropriate and these are courtesies of the Washington State Apple Commission."

### SECOND READING

SENATE BILL NO. 2311, by Senators Bausch, Quigg and Talley:

Authorizing supervisor of savings and loan association to conditionally allow credit unions to exercise powers of federally chartered credit unions.

### REPORT OF STANDING COMMITTEE

February 20, 1979.

SENATE BILL NO. 2311, authorizing supervisor of savings and loan association to conditionally allow credit unions to exercise powers of federally chartered credit unions (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 13, after "state," insert "as of the effective date of this 1979 act,".

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bausch, the committee amendment was adopted.

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 2311 was advanced to third reading, the second 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. 2311 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Excused: Senators Day, Keefe, Lewis, Matson, Shipoch—5.

ENGROSSED SENATE BILL NO. 2311, having received the 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, all members were permitted as additional sponsors on Senate Resolution 1979-59.

On motion of Senator Pullen, the following resolution was unanimously adopted:

#### SENATE RESOLUTION 1979-59

By Senators Pullen, Talley, Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn and Woody:

WHEREAS, John Prizdick, from Kent, Washington has just completed a walk of sixty-five miles from Kent to Olympia in twenty-five hours to help raise money for the March of Dimes; and

WHEREAS, John Prizdick has dedicated his life to helping handicapped children lead successful, productive, and satisfying lives, giving generously of his own time, energy, and money; and

WHEREAS, Overcoming his own handicap, John Prizdick works in Kent Meridian High School in addition to his many walks and other activities on behalf of disabled children; and

WHEREAS, Through his walk to Olympia and throughout his life, John Prizdick has inspired many people to care about and assist handicapped people, helping them to achieve happiness and to make their important contributions to their communities, thereby enriching the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the members of the Senate recognize and commend John Prizdick for his efforts on behalf of handicapped children, and express the gratitude and respect of the people of the State of Washington for his accomplishments.

#### MOTIONS

On motion of Senator Woody, the Committee on Constitution and Elections was relieved from further consideration of Senate Bill No. 2896.

On motion of Senator Woody, Senate Bill No. 2896 was rereferred to the Committee on Commerce.

On motion of Senator Walgren, the Committee on Rules was relieved from further consideration of Senate Bill No. 3033.

On motion of Senator Walgren, Senate Bill No. 3033 was rereferred to the Committee on Agriculture.

#### MOTION

At 1:45 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Thursday, March 22, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SECOND DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 22, 1979.

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 Day and Keefe. On motion of Senator Wilson, Senators Day and Keefe were excused.

The Color Guard, consisting of Pages Kelly James and John Arvan, presented the Colors. Reverend Raymond D. Morrison, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"OUR ETERNAL FATHER, WHOSE KINDNESS IS LOVING AND WHOSE PATIENCE IS INFINITE, HEAR US AGAIN AS WE PRAY, NOT BECAUSE OF WHAT WE SAY BUT BECAUSE OF THE DEEP NEED THAT DRIVES US TO THEE.

"WE REST THIS MOMENT IN THE THOUGHT OF THY LOVE. WE CANNOT EXTRICATE OURSELVES FROM IT BUT, RATHER, FIND ITS PERSISTENCE VICTOR FOR OUR ALLEGIANCE.

"WE CONFESS TO BEING FREQUENTLY BURDENED BY THINGS THAT DO NOT MATTER AND BEWILDERED BY PROBLEMS OF OUR OWN CREATION. THOU HAST MADE US HEIRS OF A GREAT HERITAGE AND TRUSTEES OF PRICELESS THINGS, YET WE FORGET THE PRICE THAT WAS PAID FOR THEM AND THE ETERNAL VIGILANCE REQUIRED TO PRESERVE THEM. MAKE US STRONG, O GOD, IN CONVICTION, WITH INSIGHT FOR OUR TIMES AND COURAGE FOR OUR TESTING. THROUGH JESUS CHRIST OUR LORD. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEE

March 21, 1979.

SENATE BILL NO. 2922, providing for a building for the public employees retirement system (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2922 be substituted therefor, and that Substitute Senate Bill No. 2922 do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Gallagher, Gould, McDermott, Wanamaker.

Rereferred to Committee on Ways and Means.

March 22, 1979.

SENATE BILL NO. 2990, providing for Expo '89 (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2990 be substituted therefor, and that Substitute Senate Bill No. 2990 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

**REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT**

March 21, 1979.

NANCY PURVISS, to the position of member of the Washington Horse Racing Commission, appointed by the Governor on February 1, 1979 for the term ending January 17, 1973, succeeding Anne McLean (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Gallaghan, Gould, McDermott, Wanamaker.

**MESSAGE FROM THE GOVERNOR**

Office of the Governor, March 21, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 21, 1979, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2026: Relating to public transportation.

SENATE BILL NO. 2045: Relating to food fish.

SENATE BILL NO. 2067: Relating to motor vehicles.

SENATE BILL NO. 2068: Relating to habitual traffic offenders.

SENATE BILL NO. 2094: Relating to motor vehicles.

SENATE BILL NO. 2101: Relating to estates of deceased veterans.

SENATE BILL NO. 2102: Relating to the Colony of the State Soldiers' Home.

SENATE BILL NO. 2124: Relating to food fish and shellfish licenses.

SENATE BILL NO. 2138: Relating to controlled substances.

SUBSTITUTE SENATE BILL NO. 2184: Relating to waste disposal facilities.

SUBSTITUTE SENATE BILL NO. 2226: Relating to port districts.

SENATE BILL NO. 2277: Relating to school bus stop shelters.

SENATE BILL NO. 2305: Relating to escrow.

SENATE BILL NO. 2403: Relating to the auditing of public accounts.

SENATE BILL NO. 2406: Relating to displaced homemakers.

SUBSTITUTE SENATE BILL NO. 3100: Relating to the regulation of vessels.

Sincerely,  
H.B. HANNA  
Legal Counsel.

**MESSAGES FROM THE HOUSE**

March 21, 1979.

Mr. President: The House had adopted SENATE CONCURRENT RESOLUTION NO. 115, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 21, 1979.

Mr. President: The House has passed:

HOUSE JOINT MEMORIAL NO. 4,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 21,  
 HOUSE JOINT RESOLUTION NO. 31,  
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2,  
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, and the  
 same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 21, 1979.

Mr. President: The Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 16, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

March 21, 1979.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 2,  
 HOUSE BILL NO. 4,  
 SUBSTITUTE HOUSE BILL NO. 10,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 29,  
 HOUSE BILL NO. 31,  
 HOUSE BILL NO. 33,  
 SUBSTITUTE HOUSE BILL NO. 43,  
 HOUSE BILL NO. 44,  
 HOUSE BILL NO. 45,  
 ENGROSSED HOUSE BILL NO. 46,  
 HOUSE BILL NO. 48,  
 SUBSTITUTE HOUSE BILL NO. 51,  
 HOUSE BILL NO. 52,  
 SUBSTITUTE HOUSE BILL NO. 56,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 57,  
 SUBSTITUTE HOUSE BILL NO. 76,  
 SUBSTITUTE HOUSE BILL NO. 77,  
 SUBSTITUTE HOUSE BILL NO. 78,  
 SUBSTITUTE HOUSE BILL NO. 79,  
 ENGROSSED HOUSE BILL NO. 87,  
 SUBSTITUTE HOUSE BILL NO. 97,  
 SUBSTITUTE HOUSE BILL NO. 99,  
 HOUSE BILL NO. 100,  
 ENGROSSED HOUSE BILL NO. 101,  
 SUBSTITUTE HOUSE BILL NO. 105,  
 ENGROSSED HOUSE BILL NO. 113,  
 HOUSE BILL NO. 114,  
 SUBSTITUTE HOUSE BILL NO. 125,  
 SUBSTITUTE HOUSE BILL NO. 131,  
 ENGROSSED HOUSE BILL NO. 132,  
 HOUSE BILL NO. 138,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 144,  
 HOUSE BILL NO. 145,  
 SUBSTITUTE HOUSE BILL NO. 156,  
 SUBSTITUTE HOUSE BILL NO. 163,  
 HOUSE BILL NO. 164,  
 HOUSE BILL NO. 167,  
 HOUSE BILL NO. 168,  
 SUBSTITUTE HOUSE BILL NO. 171,  
 SUBSTITUTE HOUSE BILL NO. 177,

HOUSE BILL NO. 183,  
SUBSTITUTE HOUSE BILL NO. 186,  
SUBSTITUTE HOUSE BILL NO. 188,  
HOUSE BILL NO. 191,  
SUBSTITUTE HOUSE BILL NO. 194, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.  
March 21, 1979.

Mr. President: The House has passed:

HOUSE BILL NO. 196,  
SUBSTITUTE HOUSE BILL NO. 200,  
SUBSTITUTE HOUSE BILL NO. 201,  
ENGROSSED HOUSE BILL NO. 207,  
HOUSE BILL NO. 209,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 210,  
HOUSE BILL NO. 218,  
SUBSTITUTE HOUSE BILL NO. 219,  
HOUSE BILL NO. 229,  
ENGROSSED HOUSE BILL NO. 238,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 240,  
SUBSTITUTE HOUSE BILL NO. 247,  
SUBSTITUTE HOUSE BILL NO. 249,  
SUBSTITUTE HOUSE BILL NO. 262,  
HOUSE BILL NO. 277,  
SUBSTITUTE HOUSE BILL NO. 280,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 295,  
HOUSE BILL NO. 296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 298,  
SUBSTITUTE HOUSE BILL NO. 302,  
ENGROSSED HOUSE BILL NO. 305,  
HOUSE BILL NO. 307,  
SUBSTITUTE HOUSE BILL NO. 315,  
HOUSE BILL NO. 320,  
ENGROSSED HOUSE BILL NO. 329,  
HOUSE BILL NO. 330,  
ENGROSSED HOUSE BILL NO. 335,  
SUBSTITUTE HOUSE BILL NO. 340,  
HOUSE BILL NO. 351,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 352,  
ENGROSSED HOUSE BILL NO. 357,  
SUBSTITUTE HOUSE BILL NO. 363,  
SUBSTITUTE HOUSE BILL NO. 367,  
ENGROSSED HOUSE BILL NO. 376,  
ENGROSSED HOUSE BILL NO. 380,  
SUBSTITUTE HOUSE BILL NO. 391,  
ENGROSSED HOUSE BILL NO. 397,  
SUBSTITUTE HOUSE BILL NO. 398,  
SUBSTITUTE HOUSE BILL NO. 405,  
ENGROSSED HOUSE BILL NO. 413,  
HOUSE BILL NO. 414,  
HOUSE BILL NO. 415,  
HOUSE BILL NO. 419,  
ENGROSSED HOUSE BILL NO. 424,  
HOUSE BILL NO. 431,

SUBSTITUTE HOUSE BILL NO. 436, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 21, 1979.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 440,  
HOUSE BILL NO. 441,  
HOUSE BILL NO. 455,  
SUBSTITUTE HOUSE BILL NO. 459,  
HOUSE BILL NO. 460,  
SUBSTITUTE HOUSE BILL NO. 481,  
SUBSTITUTE HOUSE BILL NO. 504,  
SUBSTITUTE HOUSE BILL NO. 505,  
SUBSTITUTE HOUSE BILL NO. 541,  
SUBSTITUTE HOUSE BILL NO. 546,  
ENGROSSED HOUSE BILL NO. 555,  
SUBSTITUTE HOUSE BILL NO. 556,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 562,  
HOUSE BILL NO. 570,  
HOUSE BILL NO. 576,  
SUBSTITUTE HOUSE BILL NO. 578,  
HOUSE BILL NO. 601,  
SUBSTITUTE HOUSE BILL NO. 619,  
ENGROSSED HOUSE BILL NO. 622,  
SUBSTITUTE HOUSE BILL NO. 624,  
HOUSE BILL NO. 625,  
ENGROSSED HOUSE BILL NO. 630,  
ENGROSSED HOUSE BILL NO. 642,  
HOUSE BILL NO. 666,  
HOUSE BILL NO. 668,  
ENGROSSED HOUSE BILL NO. 672,  
HOUSE BILL NO. 691,  
SUBSTITUTE HOUSE BILL NO. 697,  
HOUSE BILL NO. 721,  
SUBSTITUTE HOUSE BILL NO. 726,  
HOUSE BILL NO. 759,  
SUBSTITUTE HOUSE BILL NO. 774,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 779,  
ENGROSSED HOUSE BILL NO. 792,  
ENGROSSED HOUSE BILL NO. 829,  
HOUSE BILL NO. 836,  
HOUSE BILL NO. 860,  
SUBSTITUTE HOUSE BILL NO. 864,  
ENGROSSED HOUSE BILL NO. 870,  
ENGROSSED HOUSE BILL NO. 891,  
SUBSTITUTE HOUSE BILL NO. 962,  
HOUSE BILL NO. 989,  
SUBSTITUTE HOUSE BILL NO. 1008,  
SUBSTITUTE HOUSE BILL NO. 1176,  
SUBSTITUTE HOUSE BILL NO. 1261,

ENGROSSED HOUSE BILL NO. 1325, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 115.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 16.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 2, by Representatives Erickson, Salatino, Sanders, Nisbet and Brown:

Providing for refund of sales tax for returned merchandise.  
Referred to Committee on Ways and Means.

HOUSE BILL NO. 4, by Representatives Owen, North, Heck, Kreidler, Craswell, Grimm, Gruger, Williams and Walk:

Providing for records on adopted children.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 10, by Committee on Revenue (originally sponsored by Representatives Winsley, Erickson, Sommers, Barr, Craswell, Fuller, Whiteside and Fancher):

Raising the property tax delinquency interest rate and shortening delinquency payment period.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Nelson (G.A.), Walk, Sanders, Barr, Jovanovich, Barnes, Williams, Oliver, Knowles, Scott, Whiteside, Pruitt, Granlund, Sherman, Brekke and Brown) (by House Committee on State Government of 45th Legislature request):

Creating a joint legislative committee to review agency rules.

Referred to Committee on Rules.

HOUSE BILL NO. 31, by Representatives Ehlers, Taller, Struthers, Walk, Sanders and Addison:

Requiring the legislature to pay the department of general administration for use of buildings and services.

Referred to Committee on Rules.

HOUSE BILL NO. 33, by Representatives Taller, Nelson (G.A.), Struthers, Ehlers and Sanders:

Establishing certain fees relating to corporations which may be charged by the secretary of state.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 43, by Committee on Commerce (originally sponsored by Representative Fancher):

Authorizing certain persons to obtain contractors' bonds at reduced rates.

Referred to Committee on Commerce.

HOUSE BILL NO. 44, by Representatives Fancher and Flanagan:

Increasing the fee that may be retained by persons issuing hunting and fishing licenses.

Referred to Committee on Rules.

HOUSE BILL NO. 45, by Representatives Clayton, Kreidler and Smith (C.P.)

(by request of the House Committee on Agriculture of the 45th Legislature):

Increasing the scope of crop liens.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 46, by Representatives Clayton, Kreidler Van Dyken, Fuller, Smith (C.P.) and Heck (by request of the House Committee on Agriculture of the 45th Legislature):

Providing for promoting markets for state agricultural products.

Referred to Committee on Rules.

HOUSE BILL NO. 48, by Representatives Amen, Kreidler, Flanagan and Smith (C) (by request of the House Committee on Agriculture of the 45th Legislature):

Extending certain exemptions for contracts by local governmental entities to include small irrigation districts.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 51, by Committee on Judiciary (originally sponsored by Representatives Keller and Knowles):

Requiring statements on convicted persons for the parole board.

Referred to Committee on Rules.

HOUSE BILL NO. 52, by Representative Keller (by request of the House Committee on Judiciary of the 45th Legislature):

Permitting municipal courts to be terminated by city ordinance any time.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 56, by Committee on Local Government (originally sponsored by Representatives Charnley, Whiteside, Zimmerman, Rohrbach, North, Owen, Sanders, Fuller, Flanagan, Knowles, Smith (C. P.), Nisbet and Amen) (by House Committee on Local Government of 45th Legislature request):

Authorizing local governments to enter program for self-insurance, risk management, and joint insurance.

Referred to Committee on Rules.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57, by Committee on Local Government (originally sponsored by Representatives Charnley and Rohrbach):

Providing a common date for assumption of office by local government elected officials.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 76, by Committee on Local Government (originally sponsored by Representatives Charnley, Zimmerman, Garrett, Keller and Brekke (by House Committee on Local Government of 45th Legislature request):

Clarifying grant of home rule power to local governments.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Local Government (originally sponsored by Representatives Charnley, Keller and Garrett) (by House Committee on Local Government of 45th Legislature request):

Providing for the dissolution of inactive special purpose districts.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 78**, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Garrett, Charnley and Keller) (by House Committee on Local Government of 45th Legislature request):

Relating to special purpose districts.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 79**, by Committee on Local Government (originally sponsored by Representatives Charnley, Burns and Brekke):

Establishing procedures for disposing of surplus reading materials by libraries and school districts.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 87**, by Representatives Clayton and Barr:

Regulating agricultural commodity warehouses.

Referred to Committee on Agriculture.

**SUBSTITUTE HOUSE BILL NO. 97**, by Committee on Transportation (originally sponsored by Representatives Newhouse, Van Dyken, Fuller, Flanagan, C.P. Smith and Clayton):

Exempting vehicles hauling farm products from regulation under certain circumstances.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 99**, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

Referred to Committee on Rules.

**HOUSE BILL NO. 100**, by Representatives Patterson, Isaacson, Taylor and Amen:

Extending state route number 27 through Pullman.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 101**, by Representative Sanders (by request of the Committee on Judiciary of the 45th Legislature):

Clarifying laws on negligent driving and racing.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 105**, by Committee on Insurance (originally sponsored by Representatives Douthwaite, Sanders and Rohrbach) (by House Committee on Insurance of 45th Legislature request):

Setting standards for the escrow officer's examination.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 113**, by Representatives Heck, Ehlers, Taller and Zimmerman:

Modifying procurement procedures for state vocational rehabilitation programs.

Referred to Committee on Rules.

**HOUSE BILL NO. 114**, by Representatives Taller, Pruitt, Schmitt and Zimmerman:

Making persons handicapped by lung disease eligible to receive a handicapped driver's card.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 125**, by Committee on Judiciary (originally sponsored by Representatives Newhouse, Adams, Whiteside, Van Dyken, Fuller and Clayton) (by Department of Social and Health Services request):

Modifying provisions and procedures relating to enforcement of support of dependent children.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 131**, by Committee on Local Government (originally sponsored by Representatives Warnke and Owen):

Providing for board members after the merger of special purpose districts.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 132**, by Representatives Warnke, Owen and Whiteside:

Permitting the board to designate a treasurer in special purpose districts.

Referred to Committee on Rules.

**HOUSE BILL NO. 138**, by Representatives Martinis, Wilson and Bender (by Department of Licensing request):

Revising references to the powers and duties of the department of licensing.

Referred to Committee on Rules.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 144**, by Committee on Institutions (originally sponsored by Representatives Owen, Nisbet, Struthers, Brown and Fuller):

Requiring reimbursement to local government jurisdictions near state correctional institutions for the mentally ill for costs of apprehending and processing escapees.

Referred to Committee on Rules.

**HOUSE BILL NO. 145**, by Representatives Wilson, Martinis and Burns (by Department of Licensing request):

Including "campers" within the unfair motor vehicle business practices act.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 156**, by Committee on Local Government (originally sponsored by Representatives Mitchell, Warnke, Zimmerman, Jovanovich, Nisbet, G.A. Nelson, Tupper, Williams, Eberle, Bond, Wilson, Houchen and Dawson):

Relating to fiscal notes and appropriation clauses on legislation mandating expenditures by state or local units of government.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 163**, by Committee on State Government (originally sponsored by Representatives North, Erickson, Ehlers and Valle):

Adding lay member to the veterinary board of governors.

Referred to Committee on Rules.

**HOUSE BILL NO. 164**, by Representatives Wilson, Martinis and Burns (by Department of Licensing request):

Making technical corrections in motor vehicle licensing and registration laws.

Referred to Committee on Rules.

**HOUSE BILL NO. 167**, by Representatives Clayton, Walk and McCormick (by Department of Licensing request):

Deleting special weight permits from single cab cards.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 168, by Representatives Warnke, Struthers, Salatino, Sanders, Fuller, Addison, Greengo and Maxie (by House Committee on Commerce request):

Excluding babysitting referral services from the definition of employment agency.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 171, by Committee on Natural Resources (originally sponsored by Representative Schmitten):

Establishing a minimum fine for molesting food fish or shellfish.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 177, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Wilson, Schmitten, Vrooman and Erak):

Modifying various provisions relating to salmon resources.

Referred to Committee on Rules.

HOUSE BILL NO. 183, by Representatives Schmitten and Vrooman:

Changing procedures used by the department of natural resources in sales and exchanges.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 186, by Committee on Natural Resources (originally sponsored by Representatives Schmitten, Keller, Vrooman, Addison, Fuller and Teutsch):

Eliminating report filing for shippers of Christmas trees sold out of state.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 188, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Schmitten, Vrooman, Mitchell and Wilson):

Requiring selective removal of snags.

Referred to Committee on Rules.

HOUSE BILL NO. 191, by Representatives Heck, Chandler, Whiteside, Galloway and Tupper:

Allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 194, by Committee on Higher Education (originally sponsored by Representatives Burns, Grimm, Oliver, Erickson and Heck):

Mandating responsibility in program development and budgetary considerations in use of services and activities fees.

Referred to Committee on Rules.

HOUSE BILL NO. 196, by Representatives Clayton, Walk and McCormick (by Department of Licensing request):

Increasing the interest rate for delinquent reciprocal or proportional registration fees.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 200, by Committee on Revenue (originally sponsored by Representatives Erickson, Winsley, Erak, Ehlers, Scott, Warnke, Gruger, Grimm, Walk, Kreidler, Owen, Granlund, North, Becker and Bender):

Expanding real estate excise tax to include used mobile homes.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 201**, by Committee on Higher Education (originally sponsored by Representatives D. Nelson, Erickson, Burns and Barnes):

Allowing applications for change in classification as resident student for college fee purposes to be made up to thirtieth day of quarter or semester.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 207**, by Representatives Newhouse, Winsley and Maxie (by Judicial Council request):

Providing procedure for determining reasonable attorneys' fees in eminent domain proceedings.

Referred to Judiciary Committee.

**HOUSE BILL NO. 209**, by Representatives Winsley, Smith (Rick) and Newhouse (by Judicial Council request):

Authorizing discretionary review of administrative agency decisions by the court of appeals.

Referred to Judiciary Committee.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 210**, by Committee on Education (originally sponsored by Representatives Chandler, Heck, Taller, Valle, Barr, Tupper, Houchen, Nisbet, Taylor, Sprague, McGinnis, Dawson, Teutsch, Bauer, Ehlers, Isaacson and Wilson (by Superintendent of Public Instruction request):

Making miscellaneous changes in basic education act.

Referred to Committee on Education.

**HOUSE BILL NO. 218**, by Representatives Fuller, Whiteside, Sanders, Keller, Erak, Addison and Kreidler:

Designating an official dance for the state.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 219**, by Committee on Social and Health Services (originally sponsored by Representative Haley):

Eliminating basic science examination requirement for physicians, surgeons and osteopaths.

Referred to Committee on Rules.

**HOUSE BILL NO. 229**, by Representatives Kreidler, Fancher, Erak, Amen and Clayton (by Department of Agriculture request):

Revising laws relating to public livestock markets.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 238**, by Representatives Hurley, Taylor, McGinnis, Blair, Burns, Sprague and Taller:

Providing for urban parks.

Referred to Committee on Rules.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 240**, by Committee on Revenue (originally sponsored by Representatives Sommers, Newhouse, Warnke, Flanagan, Erickson, Winsley, Bond and Sanders):

Making real estate excise tax a state tax.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 247**, by Committee on Agriculture (originally sponsored by Representatives Kreidler, Fancher, Erak and Clayton) (by Department of Agriculture request):

Revising laws relating to agricultural products.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 249**, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lux, Adams and Burns) (by Department of Social and Health Services request):

Implementing the National Health Planning and Resources Development Act of 1974.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 262**, by Committee on Social and Health Services (originally sponsored by Representative Adams) (by Department of Social and Health Services request):

Modifying the reporting of vital statistics.

Referred to Committee on Rules.

**HOUSE BILL NO. 277**, by Representatives Warnke, Walk, Addison and Williams:

Repealing regulation of comic books.

Referred to Committee on Commerce.

**SUBSTITUTE HOUSE BILL NO. 280**, by Committee on Commerce (originally sponsored by Representatives Gallagher, Brown, Tilly and May):

Prohibiting advertisement of unlicensed contractors.

Referred to Committee on Commerce.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 295**, by Committee on State Government (originally sponsored by Representatives Polk, Owen and Dawson):

Authorizing National Guard assistance scholarships.

Referred to Committee on Rules.

**HOUSE BILL NO. 296**, by Representative Sommers (by Department of Revenue request):

Modifying the use tax exemptions.

Referred to Committee on Ways and Means.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 298**, by Committee on Ecology (originally sponsored by Representatives Valle, Chandler, Pruitt and Douthwaite):

Controlling vehicle omissions.

Referred to Committee on Ecology.

**SUBSTITUTE HOUSE BILL NO. 302**, by Committee on Revenue (originally sponsored by Representatives Whiteside, Thompson, Adams, Barr, Burns, Brekke, Fancher, Maxie, Taylor, Williams, North and Ehlers) (by Department of Social and Health Services request):

Exempting from the business and occupation tax certain nonprofit community services organizations.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 305**, by Representatives Erickson and Nelson D. (by House Committee on Elections and Governmental Ethics of the 45th Legislature request):

Delineating those persons subject to financial disclosure.

Referred to Committee on Rules.

**HOUSE BILL NO. 307**, by Representatives Newhouse and Knowles:

Revising the criminal code.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 315**, by Committee on Commerce (originally sponsored by Representatives Warnke, Greengo, Sanders, Addison, May, Fuller, Walk, Salatino, Owen, Oliver, Gallagher, Struthers, Douthwaite and North) (by Governor Ray request):

Establishing criteria for the regulation of professions and occupations.

Referred to Committee on Commerce.

**HOUSE BILL NO. 320**, by Representatives Craswell, Dunlap, Deccio, Sanders, Mitchell, Barr, Addison, Erickson, Rohrbach, Hastings, Hurley, Flanagan, Taylor and Bond:

Extending the 106% levy limit to the state.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 329**, by Representatives McCormick, Martinis and Wilson:

Permitting certain bus stop signs.

Referred to Committee on Rules.

**HOUSE BILL NO. 330**, by Representatives Schmitt, Vrooman, Sanders and Addison:

Making unlawful the obtaining of game licenses by fraud.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 335**, by Representatives Nelson (G.A.), Martinis, Patterson, Becker and Sprague:

Authorizing new community college district and providing for transfer of property, records, and personnel thereto.

Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 340**, by Committee on Institutions (originally sponsored by Representatives Struthers, Becker, Dunlap, Clayton, C.P. Smith and Bond) (by Department of Social and Health Services request):

Requiring parents to support their children in juvenile institutions.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 351**, by Representatives Barr, Kreidler and Amen:  
Increasing the maximum allowable agricultural commodity assessment on wheat.

Referred to Committee on Rules.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 352**, by Committee on Judiciary (originally sponsored by Representatives Smith (R), Newhouse, Gruger, Hurley, Brekke, Wilson, Tilly and Owen):

Establishing procedures for termination of parent-child relationships.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 357**, by Representatives Thompson, Zimmerman and Gruger:

Placing student associations at institutions of higher education under open public meetings act.

Referred to Committee on Higher Education.

**SUBSTITUTE HOUSE BILL NO. 363**, by Committee on Education (originally sponsored by Representatives Heck, Chandler, Ehlers, G.A. Nelson, Hughes and Tupper):

Providing that school district in-service training task forces contain certificated classroom teachers.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 367**, by Committee on Education (originally sponsored by Representatives Chandler, Heck, Whiteside, Bauer, Bender, Taller, Tupper and Mitchell):

Having state board of education examine and accredit all public schools within a school district.

Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 376**, by Representatives O'Brien, Warnke, Thompson, Salatino, Eberle, Erickson, Blair, Adams, Burns, Lux, Chandler, Brown, Teutsch and Maxie:

Establishing the pacific northwest festival facility.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 380**, by Representatives Dawson, Erak and Patterson (by Department of Transportation request):

Providing new and revised state highway numbers and descriptions.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 391**, by Committee on Judiciary (originally sponsored by Representatives Erickson and Thompson):

Requiring approval and announcement of prior agreement on damages in civil actions.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 397**, by Representatives O'Brien, Polk and Burns (by State Treasurer request):

Revising laws relating to state accounts and funds.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 398**, by Committee on Higher Education (originally sponsored by Representatives Teutsch, Deccio, Grimm and North):

Insuring that community college board trustees serve until their successors are appointed and qualified.

Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 405**, by Committee on Revenue (originally sponsored by Representatives Bond, Galloway, G.A. Nelson, Sommers, D. Nelson, Hastings, McDonald and Struthers):

Changing the law on tax deferral.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 413**, by Representatives Amen, Flanagan, Warnke and Fuller (by Legislative Budget Committee request):

Modifying the law on the purchase and sale of real property by school districts.

Referred to Committee on Rules.

**HOUSE BILL NO. 414**, by Representatives Bender, Chandler, Thompson and Lux:

Establishing a revolving fund for fees collected by the department of labor and industries for electrical licenses and inspections.

Referred to Committee on Ways and Means.

**HOUSE BILL NO. 415**, by Representatives O'Brien, Greengo, Garrett and Zimmerman:

Permitting cities to designate an officer to conduct local assessment hearings.

Referred to Committee on Rules.

HOUSE BILL NO. 419, by Representatives Burns, Blair, Warnke, Nelson (D), Douthwaite and Greengo:  
Authorizing sale of liquor at faculty center at University of Washington.  
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 424, by Representatives Smith (R), Newhouse and Chandler:  
Allowing negotiation of court filing fees between cities and counties.  
Referred to Committee on Rules.

HOUSE BILL NO. 431, by Representatives Teutsch, Deccio, Burns, McGinnis, Barnes and Keller:  
Authorizing method by which community college districts obtain fire protection services.  
Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 436, by Committee on Financial Institutions (originally sponsored by Representatives Eng and Winsley):  
Establishing enforcement mechanisms under the franchise investment protection act.  
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 440, by Committee on Education (originally sponsored by Representatives Sherman, Chandler and Sanders) (by Superintendent of Public Instruction request):  
Authorizing parents to ride school bus or other student transportation vehicle upon request by school officials or employees.  
Referred to Committee on Rules.

HOUSE BILL NO. 441, by Representatives McCormick and Haley (by Utilities and Transportation Commission request):  
Modifying penalties for failure to pay certain regulatory fees.  
Referred to Committee on Rules.

HOUSE BILL NO. 455, by Representatives McGinnis and Rohrbach (by Insurance Commissioner request):  
Eliminating laws regulating employee welfare trust funds.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 459, by Committee on Insurance (originally sponsored by Representatives Maxie, Rohrbach and McGinnis) (by Insurance Commissioner request):  
Modifying the insurance laws.  
Referred to Committee on Rules.

HOUSE BILL NO. 460, by Representatives Vrooman, Schmitten, Martinis, Wilson, Adams and Fuller:  
Regulating processing and transportation of specialized forest products.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 481, by Committee on Financial Institutions (originally sponsored by Representatives Chandler, Sommers, Thompson, Winsley, R. Smith, Amen, Owen, Blair, Polk, O'Brien, G. Nelson, Sherman, Grimm, Fancher, Eng, Bond, Heck, Mitchell, Tupper and Patterson):  
Permitting certain persons and institutions to prepare documents relating to the sale of property.  
Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 504**, by Committee on Parks and Recreation (originally sponsored by Representatives Grimm, Walk and Garrett):  
Modifying requirements for senior citizen park passes.  
Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 505**, by Committee on Revenue (originally sponsored by Representatives Addison, Polk, Rohrbach, Sprague, Dunlap, Taylor, Sanders and Nisbet):  
Providing emergency continuation of school levy tax relief to retired and disabled property owners.  
Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 541**, by Committee on State Government (originally sponsored by Representatives Ehlers, Lux and Gallagher):  
Updating the state building code.  
Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 546**, by Committee on Insurance (originally sponsored by Representatives Rohrbach and Maxie) (by Insurance Commissioner request):  
Revising the billing for the expenses of examiners for insurers.  
Referred to Committee on Rules.

**ENGROSSED HOUSE BILL NO. 555**, by Representatives Gruger, Zimmerman, Salatino, Sommers, Burns, Brown, Lux, Bauer, Pruitt, Erickson, Bender and Winsley:  
Increasing the property tax exemptions for the elderly.  
Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 556**, by Committee on Education (originally sponsored by Representatives Warnke, Polk, Heck, Chandler, North, Bauer and G. Nelson):  
Mandating state to provide adequate transportation vehicles for school districts.  
Referred to Committee on Education.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 562**, by Committee on Judiciary (originally sponsored by Representatives Tilly, Sherman, Newhouse, Schmitten, North, Sanders, Clayton, Fancher and Nisbet):  
Permitting a person to detain a trespasser and establishing procedures for forfeiture of motor vehicles used in criminal trespass.  
Referred to Judiciary Committee.

**HOUSE BILL NO. 570**, by Representatives May, Hurley, McGinnis, McCormick, Hughes, Martinis, Charnley and Sherman:  
Funding public transportation systems.  
Referred to Committee on Ways and Means.

**HOUSE BILL NO. 576**, by Representatives Scott, Clayton, Lux, Martinis, Taller, McDonald, Brown, Bender, Jovanovich and King:  
Revising laws regulating apprenticeships.  
Referred to Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 578**, by Committee on Judiciary (originally sponsored by Representatives Knowles and Newhouse):  
Revising the laws relating to court commissioners.  
Referred to Judiciary Committee.

HOUSE BILL NO. 601, by Representatives Taller, Hurley, Dunlap, Nelson (Dick), Greengo, King, Sanders, Maxie, Dawson, Douthwaite, Zimmerman, Burns, Polk, Becker, Addison and Tupper:

Modifying the leasehold excise tax exemption on certain property within certain historical sites.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 619, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Adams, Whiteside and Addison):

Revising laws relating to prescribing drugs.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 622, by Representatives Martinis, Wilson, Bender, Nelson (G.A.), Garrett, Van Dyken, Charnley, Chandler, Gruger, McDonald, Knowles, Sherman, Polk, King, May, Struthers, Tupper, Gallagher, Sommers, Isaacson and Lux:

Removing expiration date from motor vehicle excise tax distribution statute.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 624, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Adams, Whiteside, Tupper, Brekke, Scott, Granlund and Winsley) (by Department of Social and Health Services request):

Regulating certain controlled substances.

Referred to Committee on Rules.

HOUSE BILL NO. 625, by Representatives Van Dyken, Fancher, Erak, Scott, Becker, Kreidler, Barr and Smith (C):

Revising laws relating to dairy products.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 630, by Representative Flanagan:

Providing for awarding of attorney fees and costs in lien foreclosures against the reserve fund for a public works' project.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 642, by Representatives Sanders, Owen, Bond, Amen, Walk, Craswell, Flanagan, Greengo, Hastings, Addison, Nelson (G), Pruitt, Lux, Winsley, Hurley, North, May, Brown, Dunlap, Granlund, Fuller, Polk, Galloway, Smith (C), Rohrbach, Clayton, Taylor, Fancher, Rosbach, Grimm, Van Dyken and McGinnis:

Increasing state business and occupation tax monetary exemption.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 666, by Representatives Rosbach, Fuller, Heck and Chandler:

Allowing authorized transfers of students to another school district for indefinite periods.

Referred to Committee on Education.

HOUSE BILL NO. 668, by Representatives Lux, Scott and Erak (by Employment Security Department request):

Modifying restrictions on governmental access to records of the employment security department.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 672, by Representatives Clayton, Scott, Newhouse and Lux (by Employment Security Department request):

Extending life of the Buena camp migrant housing facility, authorizing prescribed rental fees, and making an appropriation therefor.

Referred to Committee on Labor.

HOUSE BILL NO. 691, by Representatives Patterson, Amen, Grimm and Erickson:

Authorizing exclusion of certain WSU extension service employees from state employees' insurance and health care plan.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 697, by Committee on Judiciary (originally sponsored by Representatives Newhouse, R. Smith, Knowles and Chandler):

Revising the law on replevin.

Referred to Committee on Rules.

HOUSE BILL NO. 721, by Representatives Sanders, Warnke and Greengo:

Clarifying registration requirements for contractors.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 726, by Committee on Local Government (originally sponsored by Representatives Zimmerman and Charnley):

Implementing law relating to grant of franchises for use of rights of way of county roads.

Referred to Committee on Local Government.

HOUSE BILL NO. 759, by Representatives Valle, Whiteside and Galloway:

Permitting job recruitment expenditures by libraries.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 774, by Committee on Judiciary (originally sponsored by Representatives D. Nelson, Chandler and Bender):

Reenacting the law granting attorney fees to an owner suing to recover stolen goods from a pawnbroker.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 779, by Committee on Insurance (originally sponsored by Representative Tupper) (by Insurance Commissioner request):

Modifying the laws on insurance.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED HOUSE BILL NO. 792, by Representatives Warnke, Greengo, Owen, Walk, Oliver, Addison, Sanders, May, Salatino, Struthers, Fuller, Gallagher, McGinnis and Taylor:

Revising laws regarding the business license center.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 829, by Representatives Haley, Kreidler, Craswell, Thompson and Smith (R):

Increasing the funding of family court.

Referred to Committee on Rules.

HOUSE BILL NO. 836, by Representatives Schmitt, Tilly and Smith (C):

Removing the limit on assessment increases by the apple commission.

Referred to Committee on Agriculture.

HOUSE BILL NO. 860, by Representatives Van Dyken, Becker, Charnley, Zimmerman, Sherman, Rosbach and McGinnis:  
Revising the guidelines for decisions of boundary review boards.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 864, by Committee on Agriculture (originally sponsored by Representatives Fancher, Barr and Bauer):  
Authorizing restrictions on the movement of cattle.  
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 870, by Representatives Thompson, Lux and Williams:  
Permitting 17 year old minors to donate blood without parental consent.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 891, by Representatives Dunlap, Heck and Chandler:  
Clarifying items in the student learning objectives law.  
Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 962, by Committee on Natural Resources (originally sponsored by Representatives Schmitten and Wilson) (by Department of Fisheries request):  
Revising the laws relating to buy-back of fishing vessels.  
Referred to Committee on Rules.

HOUSE BILL NO. 989, by Representatives Haley, McCormick, Scott, Tupper, Isaacson and Grimm:  
Authorizing utilities and transportation commission to approve lease of utility facilities by a public service company to exempt owner of facilities as being a public utility company under certain federal law.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 1008, by Committee on Natural Resources (originally sponsored by Representatives McDonald, Vrooman, Schmitten, Owen and Wilson):  
Requiring the department of fisheries to collect data on transfers of commercial fishing vessels and licenses.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 1176, by Committee on Local Government (originally sponsored by Representatives Galloway, Bauer, Heck and Zimmerman):  
Setting forth means for authorizing concurrent federal and local jurisdiction over certain federal lands.  
Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 1261, by Committee on Institutions (originally sponsored by Representatives Warnke and Blair):  
Relating to termination of the parent-child relationship.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1325, by Representatives Garrett and Zimmerman:  
Revising the optional municipal code.  
Referred to Committee on Rules.

HOUSE JOINT MEMORIAL NO. 4, by Representatives Adams, Whiteside, Brekke, Lux, Pruitt, Haley, Nelson (D.), Wilson, Barr and Burns:

Memorializing the federal government to legitimize the medical use of marijuana.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 7, by Committee on Local Government (originally sponsored by Representatives Charnley, Zimmerman, Van Dyken, Teutsch, Rosbach, Whiteside, Schmitt and Brekke):

Providing alternative methods of framing a "Home Rule" charter.

Referred to Committee on Rules.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 21, by Committee on Judiciary (originally sponsored by Representatives Knowles, Newhouse, R. Smith and Garrett):

Authorizing additional court commissioners.

Referred to Judiciary Committee.

HOUSE JOINT RESOLUTION NO. 31, by Representatives Oliver, Erickson, Fuller, Gruger, Barnes, Granlund, Sommers, Tupper, Nelson (Dick), Isaacson, Burns, Taller, Brekke, Williams, Valle, Schmitt, Sherman, Nisbet, Addison, Sprague, Haley, Rosbach and Taylor:

Establishing a redistricting commission.

Referred to Committee on Rules.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 2, by Representatives Oliver, Bond, Tilly, Owen, Walk, Pruitt, Craswell, Addison, Teutsch, Hurley, Rohrbach, Taylor, Williams and Sanders:

Establishing a week honoring the family.

Referred to Committee on State Government.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3, by Representatives Pruitt, Fuller and May (by Joint Board of Legislative Ethics request):

Adopting joint rules for the forty-sixth legislature.

Referred to Committee on Rules.

#### MOTION

On motion of Senator Walgren, all measures on the Introduction and Referral sheet were referred as indicated.

#### MOTIONS

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

On motion of Senator Marsh, the following bill was referred to the Judiciary Committee:

SENATE BILL NO. 3078, by Senators Hayner, Clarke, Bottiger, Lee, Benitz, Guess, Lewis and Jones:

Revising laws relating to juveniles.

#### MOTIONS

On motion of Senator Marsh, the Senate returned to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2375.

## SECOND READING

SENATE BILL NO. 2375, by Senators Sellar, Talley, Lewis and Conner:  
Revising laws relating to civil service for sheriffs' offices.

## MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2375 was substituted for Senate Bill No. 2375 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2375 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2375, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Lee—1.

Excused: Senators Day, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2414.

## SECOND READING

SENATE BILL NO. 2414, by Senators Gaspard, Pullen and Bottiger:  
Establishing certain procedures to inform and assist victims of crimes.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2414 was substituted for Senate Bill No. 2414 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 2414 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2414, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Newschwander—1.

Excused: Senators Day, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:33 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 12:05 p.m.

#### MOTION

At 12:05 p.m., on motion of Senator Marsh, 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 Wilson, Senators Talley and Walgren were excused.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2751.

#### SECOND READING

SENATE BILL NO. 2751, by Senators Rasmussen, Newschwander and Lysen: Pertaining to pollution control facilities.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2751 was advanced to third reading, the second 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. 2751, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Fleming, Lysen—3.

Excused: Senators Day, Keefe, Talley, Walgren—4.

SENATE BILL NO. 2751, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2466.

### SECOND READING

SENATE BILL NO. 2466, by Senators Marsh, Clarke and Bottiger:

Pertaining to civil actions and proceedings.

The bill was read the second time by sections.

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

On page 1, line 17 after "(2)" insert:

"for contracts executed on or after the effective date of this act any clause which purports to"

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2466 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2466, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Day, Keefe, Talley, Walgren—4.

ENGROSSED SENATE BILL NO. 2466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2565.

### SECOND READING

SENATE BILL NO. 2565, by Senators Day, Vognild, Talmadge, Conner, Wanamaker, Sellar and Woody:

Providing for polling places accessible to handicapped persons.

### REPORT OF STANDING COMMITTEE

February 14, 1979.

SENATE BILL NO. 2565, providing for polling places accessible to handicapped persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 28, after "buildings" insert "and the most suitable locations therein"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Vognild, the committee amendment was adopted.

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 2565 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Wilson: "Senator Vognild, I don't think anyone could quarrel with the intent of this bill. I am asking a question, I guess, on behalf of county auditors in sparsely settled rural areas where they are using schoolhouses, churches, private residences and almost any other kind of facility for polling places because those are the only buildings available.

"Now, are those auditors, under those circumstances, going to get into difficulty because of this bill, is my first question and second is, does section one authorize them to or compel them to spend public money, for example, providing a ramp attached to a private residence which will be used as a polling place?"

Senator Vognild: "I do not believe the bill compels them—the bill allows them, I believe, allows them to make minor, inexpensive modifications. Also in section two it will require the county auditor to make a report to the secretary of state which precincts do not have accessibility to handicapped and the auditor should indicate what efforts have been made. This should take any burden off of them. The fact that they have made an effort is all that the bill requests."

Senator Wilson: "Would you happen to know, Senator, if the state association of county auditors has taken any position on this bill?"

Senator Vognild: "They did not testify before committee on it."

### MOTION

On motion of Senator Wilson, Engrossed Senate Bill No. 2565 was ordered placed at the top of the calendar for Friday, March 23, 1979 on third reading.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2923.

### SECOND READING

SENATE BILL NO. 2923, by Senators Goltz, Lewis, Rasmussen and Sellar (by Department of Veterans Affairs request):

Exempting veterans of the Vietnam conflict from increases in tuition and fees at institutions of higher education.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended Senate Bill No. 2923 was advanced to third reading, the second 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. 2923, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Clarke, Newschwander, Scott—3.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Keefe, Talley—3.

SENATE BILL NO. 2923, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2197.

### SECOND READING

SENATE BILL NO. 2197, by Senators Bottiger, Benitz, Hayner and North: Regulating the milling of uranium and thorium.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2197 was substituted for Senate Bill No. 2197 and the substitute bill was placed on second reading and read the second time in full.

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

On page 4, line 5, delete "tax" and insert "charge"

On page 4, line 6, delete "tax" and insert "charges"

On page 4, line 8, delete "this tax" and insert "these charges"

On page 4, line 9, delete "trust" and insert "security"

On page 4, line 11, delete "trust" and insert "security"

On page 4, line 18, delete "this tax" and insert "these charges"

On page 4, line 21, delete "tax rate" and insert "charge"

On page 4, line 24, delete "tax" and insert "charges"

On page 4, line 24, delete "has" and insert "have"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2197 was advanced to third reading, the second 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. 2197, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senators Day, Keefe, Talley—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2197, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 3030.

#### SECOND READING

SENATE BILL NO. 3030, by Senators Odegaard, Walgren, Wilson, Donohue, Rasmussen, von Reichbauer, McDermott, Day, Williams, Lysen, Peterson, Wojahn, Ridder, Moore, Vognild and Talmadge:

Establishing procedures for legislative review of administrative rules.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3030 was substituted for Senate Bill No. 3030 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 3030 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3030, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Benitz, Fleming—2.

Excused: Senators Day, Keefe—2.

SUBSTITUTE SENATE BILL NO. 3030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2925.

#### SECOND READING

SENATE BILL NO. 2925, by Senators Keefe, Guess, Day and Lewis:  
Transferring title to the Expo '74 site and facilities to the city of Spokane.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 2925 was advanced to third reading, the second 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. 2925, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senators Day, Keefe—2.

SENATE BILL NO. 2925, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2194.

## SECOND READING

SENATE BILL NO. 2194, by Senators Ridder, Scott and Goltz:

Increasing dollar amount of capital construction projects of certain institutions of higher education before same have to be put out for public bid.

## MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2194 was substituted for Senate Bill No. 2194 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 10, strike "(1)".

On page 1, line 14, after "the" strike all the matter down to the comma on line 15 and insert "sum of ((ten)) seventeen thousand five hundred dollars".

On page 1, line 21, after "exceeds the" strike everything down to the comma on line 22 and insert "sum of ((ten)) seventeen thousand five hundred dollars".

On page 2, line 1, after "specifications" strike all the matter down to the colon on line 3.

On page 2, beginning on line 9, strike all the matter down to the comma on line 10, and insert "seventeen thousand five hundred dollars".

On page 2, beginning on line 26, strike all the matter down through "commerce." on line 32.

On page 2, line 36, strike "(1)"

On page 3, line 18, after "exceeds" strike all the matter down through "section" on line 19 and insert "five thousand dollars".

On page 3, line 23, after "specifications" strike all the matter down through "thereto" on line 25.

On page 3, beginning on line 32, strike all the matter down through "commerce." on page 4, line 2.

On page 3, beginning on line 29, strike all the matter down through "section" on line 30, and insert "five thousand dollars".

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Guess:

On page 2, line 3 after "thereto" insert:

" : PROVIDED FURTHER, That for projects in which the estimated cost of building, construction, renovation, remodeling or demolition is less than seventeen thousand five hundred dollars, but more than ten thousand dollars, the boards of each such institution of higher education shall establish by resolution a procedure for securing telephone quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment or services to the lowest responsible bidder. Immediately after the contract is awarded, the telephone bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. For projects in which the estimated cost is ten thousand dollars or less, the board may use the telephone bid procedure"

Debate ensued.

#### POINT OF INQUIRY

Senator Bottiger: "Senator Guess, as I understand the bill, we are permitting the colleges to enter into contract do-it-themselves work programs like we did for county and cities under 'X' dollars.

"Now, your amendment negates that whole thing and says that if it is under 'X' dollars, the boards of such institutions of higher learning shall establish by resolution a procedure for securing telephone bids. Now we put everything they do back under bid."

Senator Guess: "Senator, I don't believe that is the case. If you will read it, in the first three lines there it says 'for projects which the estimated cost is less than seventeen-five but more than ten thousand'. It is just talking about that ten thousand to seventeen thousand bracket, now they establish the telephone procedure on. They have the manuals to cover that type work and this is a little bit of a different approach for a carte blanche seventeen thousand five hundred dollar by day labor forces and it does limit them. If it is over ten thousand dollars and going to seventeen-five, they can do it by the telephone bid and I think you will find it is less costly to do work that way."

#### POINT OF INQUIRY

Senator Goltz: "Senator Guess, you have used the words they 'can' and they 'may' and I believe that the word in the amendment says 'shall' and so I think what this does, it mandates it rather than make it permissive."

Senator Guess: "Senator, for those projects which the estimated cost of building construction is less than seventeen thousand five hundred dollars but more than ten thousand dollars, then they 'shall' establish by resolution a procedure for securing telephone quotations.

"It does put a ceiling there, Senator. They still do the work up to ten thousand dollars but between ten and seventeen thousand, they shall have the telephone procedures. I think you are correct there."

Further debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, on page 1 of this bill, on line 28, it spells out 'the complete plans and specifications for such work shall be prepared'. That is no different from what you are proposing in your amendment on the other page other than you are allowing them to go to telephone bids."

Senator Guess: "That is correct. They still have to have the plans and specifications. This is the reason I say most of the institutions have their own construction pamphlet or booklet and they use the standard form either AIA or another of the

standard trade forms so that they . . . Senator, it is very difficult for the work force on the campus to go into a classroom building and to do the job in accordance with every professor's demands. They have learned over a long period of time that they don't dare let that work force go without having plans and specifications. The cost of work would go out of reason if any professor could demand this type of partition or that type of partition so the main office prepares a plan as though the work was going to go out for bid anyway."

Senator Rasmussen: "Thank you, Senator."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the amendment by Senators Bluechel and Guess.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 26; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Quigg, Scott, Sellar, Wanamaker—19.

Voting nay: Senators Bausch, Bottiger, Conner, Donohue, Gaspard, Goltz, Hansen, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—26.

Absent or not voting: Senators Fleming, Henry—2.

Excused: Senators Day, Keefe—2.

There being no objection, an amendment by Senators Bluechel and Guess to page 3, line 25 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Goltz, the rules were suspended, Engrossed Substitute Senate Bill No. 2194 was advanced to third reading, the second 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. 2194, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Hansen, Lysen, Marsh, Matson, McDermott, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Woody—32.

Voting nay: Senators Bluechel, Clarke, Guess, Hayner, Jones, Lee, Lewis, Moore, Morrison, Newschwander, Sellar, Wanamaker, Wojahn—13.

Absent or not voting: Senators Fleming, Henry—2.

Excused: Senators Day, Keefe—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2468.

## SECOND READING

SENATE BILL NO. 2468, by Senators Walgren, Clarke and Van Hollebeke:  
Penalizing attempts to elude pursuing police cars.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2468 was advanced to third reading, the second 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. 2468, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Keefe—2.

SENATE BILL NO. 2468, having received the constitutional majority, 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. 2905, by Senators Morrison and Ridder:  
Modifying the licensing of electricians.

## REPORT OF STANDING COMMITTEE

February 19, 1979.

SENATE BILL NO. 2905, modifying the licensing of electricians (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 19, after "the" strike "act" and insert "trade"

On page 2, line 35, after "obtain" and before "an" insert "and be issued"

On page 8, line 8, strike "~~((or on other property owned by him))~~" and insert "or on other property owned by him"

Signed by: Senators Van Hollebeke, Chairman; Morrison, Quigg.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were adopted.

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

On page 4, line 5, strike "If the noncertified individual" and insert "An individual with a current training certificate and who".

On page 4, line 7, after "or in" strike "a training program described in this chapter" and insert "a technical school program in the electrical construction trade in a school approved by the commission for vocational education".

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2905 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Senator Morrison, I would like to ask you a question coming from one rural area legislator to another. Is there anything in this bill which first of all would change the existing law with respect to the sort of 'handyman' in our part of the country who do their own wiring on their own places and their own farms? Secondly, would it change existing law at all with respect to the one-man small electrical contracting firms that are prevalent in our area? Thirdly, would it change the law to any extent with respect to young men or women around our neck of the woods that want to learn the trade?"

Senator Morrison: "Senator, I will try to recall your questions in the order you asked them. First of all, the bill in section seven does not change existing law by committee amendment. The words as the law exists now has been completely reinstated that anyone who wants to do work on their own residence or farm or place of business or on other property owned by that person is free to go ahead in spite of the provisions requiring licensed electricians to do virtually all other work so I feel that the same flexibility exists for Senator Bottiger and others to do the wiring on their own farm.

"Your other question was the one-horse contractor who has his own firm. He currently, of course, has to be licensed and will be a journeyman electrician himself just by virtue of his years of experience in the business. This bill would change the procedure for him to hire additional people and that they would have to be trained according to the dictates of this particular bill. But I think it is easier for training under this program than it has been in the past where they would have to go through an apprenticeship program that was approved by the union and others. Under this law, they can work for four years under the supervision of your contractor and then be licensed as a journeyman electrician so the certification procedure is spelled out right in here that I think improves the present process.

"As far as training opportunities for young people across the state, this bill does offer more alternatives than we currently have. It does provide the regular journeyman program that we have been concerned about for years where you train as an apprentice. It also provides that you can work for four years, as I have just described, under a journeyman electrician and then be certified yourself as a journeyman or you can have two years of work experience and two years experience training in a certified school as approved by the commission on vocational education.

"So I think we are opening up and providing opportunities in the electrical field for both certified journeymen and certified specialty electricians, cleaning up a lot of ambiguities in the law that was passed several years ago."

## POINT OF INQUIRY

Senator Lysen: "Senator Morrison, after listening to debate here, it appears to me that possibly this bill should have been considered in the labor committee. It really sounds like it is a labor bill. I was wondering if you think that would have been appropriate?"

Senator Morrison: "I think that since we heard musicians' bills yesterday in labor committee that things are scrambled around, Senator Lysen. It could have been handled in either committee. Senator Van Hollebeke did an excellent job of handling this particular measure."

## MOTION

Senator Wojahn moved that Engrossed Senate Bill No. 2905 be rereferred to the Committee on Labor.

Debate ensued.

The motion by Senator Wojahn failed.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2905 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—43.

Voting nay: Senators Lysen, Williams, Wojahn—3.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Keefe—2.

ENGROSSED SENATE BILL NO. 2905, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2504.

## SECOND READING

SENATE BILL NO. 2504 by Senators Morrison, Gaspard, Benitz and Hansen:

Providing for water during drought conditions.

## MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 2504 was substituted for Senate Bill No. 2504 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 2504 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Benitz: "Senator Hansen, I observed in the press the last day or two that even this project, to be successful and be implemented, would take a vote of the people. That is not true, is it?"

Senator Hansen: "I do not believe so. I think that all it is is front money for some federal reclamation funds to enter into this field. The only project that is in here that would not take federal funds is that little Wenas irrigation district that has the dam condemned up there for unsafe conditions."

Debate ensued.

## POINT OF INQUIRY

Senator Bottiger: "Senator Morrison, when we originally put this package together we did not limit the use of these funds to agricultural waters. In other words, there was domestic water supply system availability as well in those bonds. In reading the statutes, my rough figures indicate there is about six of the sixteen million dollars not allocated within the language of section two. Is that money available for other potential projects?"

Senator Morrison relinquished to Senator Hansen.

Senator Hansen: "Yes, there is six million dollars for other water projects either municipal or irrigation projects in other areas."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2504 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2504, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2778.

#### SECOND READING

SENATE BILL NO. 2778, by Senators Guess and Hansen:

Permitting tonnage to be purchased on a monthly basis.

On motion of Senator Guess, Substitute Senate Bill No. 2778 was substituted for Senate Bill No. 2778 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 2778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2778 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Day, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2778, having received the constitutional majority, was declared passed. 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, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 20, 1979.

**SUBSTITUTE SENATE BILL NO. 2023**, creating a personnel appeals board and setting out its powers (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Second Substitute Senate Bill No. 2023 be substituted therefor, and that Second Substitute Senate Bill No. 2023 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1979.

**SENATE BILL NO. 2212**, authorizing National Guard assistance scholarships (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Second Substitute Senate Bill No. 2212 be substituted therefor, and that Second Substitute Senate Bill No. 2212 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1979.

**SENATE BILL NO. 2238**, requiring the payment of interest on state obligations (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2238 be substituted therefor, and that Substitute Senate Bill No. 2238 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Newschwander, Rasmussen, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 22, 1979.

**SENATE BILL NO. 2314**, modifying the securities act (reported by Committee on Financial Institutions and Insurance):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Bausch, Chairman; Clarke, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

March 22, 1979.

**SENATE BILL NO. 2332**, authorizing certain educational requirements for insurance agent's and broker's licenses (reported by Committee on Financial Institutions and Insurance):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Bausch, Chairman; Clarke, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

March 21, 1979.

**SENATE BILL NO. 2505**, authorizing a bond issue for jail facilities (reported by Committee on Ways and Means):

**MAJORITY recommendation:** That Substitute Senate Bill No. 2505 be substituted therefor, and that Substitute Senate Bill No. 2505 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Morrison, Newschwander, Scott, Shinpoch, Wojahn.  
Passed to Committee on Rules for second reading.

March 20, 1979.

SENATE BILL NO. 2610, authorizing certain granting of degrees at The Evergreen State College (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2610 be substituted therefor, and that Second Substitute Senate Bill No. 2610 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Morrison, Ridder, Scott, Shinpoch.

MINORITY recommendation: Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

March 21, 1979.

SENATE BILL NO. 2644, making the minimum weekly unemployment compensation benefit equal to fifteen percent of the state weekly wage (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

March 21, 1979.

SENATE BILL NO. 2744, implementing law relating to state student financial aid program and making additional appropriation therefor (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2744 be substituted therefor, and that Substitute Senate Bill No. 2744 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Morrison, Ridder, Scott, Shinpoch, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1979.

SENATE BILL NO. 2929, revising laws relating to taxation of mobile homes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2929 be substituted therefor, and that Substitute Senate Bill No. 2929 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Marsh, Matson, Odegaard, Ridder, Scott, Walgren, Wojahn.

Passed to Committee on Rules for second reading.

March 21, 1979.

SENATE BILL NO. 3008, relating to salaries of elected officials (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3008 be substituted therefor, and that Substitute Senate Bill No. 3008 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Marsh, Matson, Odegaard, Scott, Shinpoch, Walgren, Wojahn.

MINORITY recommendation: Do not pass.

Signed by: Senators McDermott, Vice Chairman; Ridder.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE HOUSE

March 22, 1979.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 17, by Representatives Polk and King:

Establishing cutoff dates for introduction and consideration of legislation during the forty-sixth first extraordinary legislative session.

## MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 17 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution 17 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Walgren, this is an excellent resolution. I have been scanning it very closely to see the Sine Die date. Did you forget the Sine Die date in this resolution? If so, do you wish an amendment?"

Senator Walgren: "No and no. Senator Rasmussen, as we have discussed, you and I personally and we have discussed in caucus and otherwise, the period of time for the final conclusion of this legislative session will depend upon these members here and the members over there in the House of Representatives.

"The essential items for the business to be conducted here in the remaining days of this session obviously is the budget and when there are twenty-five votes here on this floor and fifty votes on the other floor, that day will be Sine Die day."

## POINT OF INQUIRY

Senator Pullen: "Senator Walgren, in the past we sometimes consider constitutional amendments after the apparent cutoff date because they take a two-thirds vote which is tantamount to a suspension of the rules. Would constitutional amendments be excluded under the terms of HCR 17."

Senator Walgren: "They would be excluded unless they are revenue-related or budget-related."

The President declared the question before the Senate to be adoption of House Concurrent Resolution No. 17.

The resolution was adopted.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2264, Senate Bill No. 2404 and Senate Bill No. 2734 were rereferred to the Committee on Rules since companion bills are now on the desk of the Governor.

On motion of Senator Walgren, Senate Bill No. 2567 was rereferred from the second reading calendar to the Judiciary Committee.

On motion of Senator Walgren, the Committee on State Government was relieved from further consideration of House Bill No. 792.

On motion of Senator Walgren, House Bill No. 792 was rereferred to the Committee on Commerce.

MOTION

At 3:25 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, March 23, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### THIRD DAY

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#### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 23, 1979.

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, Keefe, Odegaard and Scott. On motion of Senator Wilson, Senators Bottiger, Keefe and Odegaard were excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Brian Mueller and Mark Lord, presented the Colors. Reverend Raymond D. Morrison, pastor of First Church of the Nazarene of Olympia, offered the following prayer:

"O LORD, IN THE MIDST OF GREAT ACTIVITY TODAY, WE ASK THEE TO REMIND US OFTEN OF THINE INVISIBLE PRESENCE — THAT OUT OF CONFUSED ISSUES MAY COME SIMPLICITY OF PLAN, — OUT OF FEAR MAY COME CONFIDENCE, — OUT OF HURRY MAY COME WILLINGNESS TO WAIT, — OUT OF FRUSTRATION, REST AND POWER. IN JESUS' OWN PRECIOUS NAME. AMEN."

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

March 22, 1979.

SENATE BILL NO. 2325, mandating state fire marshal to make all plan reviews and construction inspections relating to fire prevention and safety in the schools and allowing imposition of fees for the same (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 2352, changing the complaint procedure against water well contractors (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 2630, extending life of the Buena camp migrant housing facility, authorizing prescribed rental fees, and making an appropriation therefor (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

March 22, 1979.

SENATE BILL NO. 2667, providing for library assistance (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 2854, resolving conflict between public employees' collective bargaining agreements and the policy of the employer (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

March 22, 1979.

SENATE BILL NO. 2879, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2879 be substituted therefor, and that Substitute Senate Bill No. 2879 do pass.

Signed by: Senators Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 2933, implementing law relating to approval of plats in irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard.

Passed to Committee on Rules for second reading.

March 22, 1979.

SENATE BILL NO. 2958, relating to transportation (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2958 be substituted therefor, and that Substitute Senate Bill No. 2958 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 3128, compensating crime victims from profits of the criminal (reported by Judiciary Committee):

Recommendation: That Substitute Senate Bill No. 3128 be substituted therefor, and that Substitute Senate Bill No. 3128 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 3140, authorizing combined city-county housing authorities (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3140 be substituted therefor, and that Substitute Senate Bill No. 3140 do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 3153, relating to outdoor recreation (reported by Committee on Parks and Recreation):

Recommendation: That Substitute Senate Bill No. 3153 be substituted therefor, and that Substitute Senate Bill No. 3153 do pass and be re-referred to Committee on Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Rereferred to Committee on Ways and Means.

March 22, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, controlling vehicle emissions (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen, North, Scott.

Passed to Committee on Rules for second reading.

March 23, 1979.

ENGROSSED HOUSE BILL NO. 672, extending life of the Buena camp migrant housing facility, authorizing prescribed rental fees, and making an appropriation therefor (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; McDermott, Moore, Morrison, Sellar.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE GOVERNOR

#### GUBERNATORIAL APPOINTMENT

Office of the Governor, March 23, 1979.

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

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

Ms. Eleanor E. Chase, appointed March 19, 1979, for a term ending March 12, 1985, succeeding Jerome W. Page as a member of the Board of Trustees, Eastern Washington University.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MESSAGES FROM THE HOUSE

March 22, 1979.

Mr. President: The Speakers have signed HOUSE CONCURRENT RESOLUTION NO. 17, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 22, 1979.

Mr. President: The Speakers have signed SENATE CONCURRENT RESOLUTION NO. 115, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2481.

## SECOND READING

SENATE BILL NO. 2481, by Senator Henry (by Washington State Patrol request):

Revising the law relating to spot checks by the state patrol.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 2481 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator North: "Senator Henry, I am very much in sympathy with the main cause and purpose of this bill but I am concerned also about women who are driving alone at night who could be stopped under false pretenses by someone masquerading or pretending to be a member of the state patrol.

"Would you comment on what types of precautions are going to be taken to prevent this kind of thing from happening?"

Senator Henry: "We discussed this in committee with the chief of the patrol and because of the same fears that have been raised everytime we have had this spot check bill before us.

"Now, what they plan on doing is with flares, marked cars, proper lighting and so forth to pull them over ten or twelve at a time. There will be nobody pulled over individually and they will be pulled over in such areas as I mentioned either on the on ramps to the freeways, to be stopped there and checked, or in the weight control areas along the main highway. Obviously we can't go back to the old type of road blocks as we had prior to that because of our multi-lane highways. They do have a complete spot check bill in the state of Oregon and it is working very well."

Senator North: "So that an individual driving alone would not feel they are the one and only car being picked off to be checked on?"

Senator Henry: "Absolutely. There would never be less than ten or twelve at a time."

## POINT OF INQUIRY

Senator Rasmussen: "Senator Henry, this is in a police magazine, the last issue of it, says the United States supreme court has under consideration a case that will test the powers of the police to enforce the law against the right of citizens to be protected against unreasonable search and seizures and it states where there were routine stops.

"I wonder if its worth the harassment to the ninety-nine percent of the people that are guilty of nothing, have no revoked licenses, are driving safely and are not drunk. It would seem that we are using a cannon to shoot at a mosquito and I just question the advisability.

"Now we have checks and we have routine stops during daylight hours when everybody can see who is stopping them and see the reason for it. I can think of the people that Senator North is speaking of. Women drivers out in the evening and they suddenly see a whole group of cars stopped and flashing lights and it would be the cause of accidents rather than actually preventing any accidents.

"Now there is nobody that is going to question the right to stop somebody that is drunk and wavering on the highway. But the fact that you are going to use this

method is just going after unlicensed drivers, I think it is a little bit too much. I am in sympathy with what you express here but I am going to vote 'no' on the bill. I don't think we have the right to harass the citizens of the United States that are behaving in a legal, lawful manner to catch somebody else."

Senator Henry: "Well, I don't think your sympathy goes deep enough, Senator, if you are going to vote against this bill. However, anybody, and, of course, there will be plenty of publicity on this program, anybody that would pull over because there was one car setting there with a flashing light. I am talking about a lane that is outlined with flares and so forth and nobody that has other purposes on their minds and a spot check is going to put up a line of flares on the main highway because there are going to be too many patrolmen.

"What I am telling you is that we have about as many unlicensed drivers, or we have more unlicensed drivers than we have licensed automobiles in the state of Washington and conversely, I should say, we have more licensed automobiles than we have licensed drivers. The estimate has been all the way from one hundred to three hundred thousand people that are driving illegally. The only state trooper that we have that was made a quadriplegic by a driver was caused by a driver whose license had been revoked and obviously those that are flaunting the law are not going to come out during daylight hours. They come out after sundown because they know there is no method of checking them now. It is against the law and the old spot check law, you will recall, was repealed a number of years ago by a former attorney general by the name of Eastvold, I believe it was, who evidently got picked up in a spot check and didn't appreciate it."

Senator Rasmussen: "In answer to you, Senator, our experiences, our police department has in Tacoma is that those unlicensed drivers are not waiting until night to drive. They would drive during the daytime. I see no reason at all to harass the ninety-nine percent of the innocent public that do not want to be stopped — they are driving along, behaving themselves and do not want to be stopped for interrogation."

#### REMARKS BY SENATOR GUESS

Senator Guess: "I would like to reply to Senator Rasmussen, on that particular point. The number of people that are contacted, primarily the state patrol has found that they have to have most people on the highways at night or else they don't catch the unlicensed driver, the driver with the expired license.

"I have taken the opportunity on several occasions to ride with the state patrol and in every instance while we were on patrol have had calls for accidents and the majority of the cases, the person involved in the accident were unlicensed and I think this is a way that we can do as reasonable people. Now as long as they are going to use well-marked places — I used to have the same hang-ups as you have on being pulled off to the side of the highways by an unmarked car. This is not going to be that. They are going to have the lights on the top of the automobile, they are going to have the flare pots or the flares out and they are going to be cones so that they do let the people know that it is an official pullover. There is no way of stopping that person who is going to be pulled over just out of Vancouver on that highway, Senator Henry, north of town.

"I had a friend whose automobile was stopped. They took the money, the purse, the fur coat of the man's wife and then told them to go on their way. There is nothing going to stop that but this will help us get the unlicensed people off the highway."

## POINT OF INQUIRY

Senator Fleming: "Senator Henry, I might have missed this regarding these spot checks. When they do these spot checks and they have all these flares set forth and so on — when you say 'spot checks' — it is just that spot in the highway that they will pull everyone over? They will pick and choose automobiles?"

Senator Henry: "No. Ten or twelve at a time. They obviously couldn't stop the whole flow of traffic. . . ."

Senator Fleming: "What determinations will be made as to when they will stop these 'X' number of cars?"

Senator Henry: "The same determinations they are using now, Senator, in the daytime. They pull over a few cars and examine them but they obviously can't stop the whole flow of traffic."

Senator Fleming: "I don't know what that is."

Senator Henry: "You have been lucky. You haven't been stopped. I have."

Senator Fleming: "But I might be."

Senator Henry: "Then you had better have your license renewed."

Senator Fleming: "It isn't my license I am worried about."

"I understand what you are saying but I do have some of those concerns that Senator Rasmussen might have in terms of sometime the benefits that one would receive from a measure like this might not outweigh the other side of the issue and that is the harassment and the picking and choosing of people to stop at will."

Senator Henry: "They are not going to pick and choose them as individual cars. They will take a group of ten or twelve at a time and pull them into the area and ask for their driver's license and so forth. I think it is as simple a matter as this. We have estimates all the way from one hundred to three hundred thousand people driving with either revoked licenses or suspended licenses and some have no licenses at all. It is a question whether you want to get that type of person off the highway or get him a license or not."

"Now the case I mentioned in Vancouver, this man is a responsible citizen, he just does not believe in insurance. He has worked twenty-seven years for the Alcoa people down there. He has had three accidents since 1971. All of them his fault and he still has a suspended license. I don't know how he gets away with it. I think it is time we did something."

Senator Fleming: "I just have those concerns. And, as usual, I know, Senator, you are well intentioned but I do have some concerns."

Senator Henry: "The pathway to someplace is paved with ill intentions."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2481 and the bill failed to pass the Senate by the following vote: Yeas, 16; nays, 28; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Bluechel, Clarke, Conner, Gallagher, Gould, Guess, Henry, Lee, Matson, Morrison, Newschwander, North, Sellar, Talley, Walgren—16.

Voting nay: Senators Benitz, Bottiger, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Hayner, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Odegaard, Pullen, Rasmussen, Ridder, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—28.

Absent or not voting: Senator Quigg—1.

Excused: Senators Keefe, Peterson, Scott, Wanamaker—4.

SENATE BILL NO. 2481, having failed to receive the constitutional majority, was declared lost.

## MOTIONS

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

On motion of Senator Rasmussen, all members were permitted as additional sponsors to Senate Resolution 1979-61.

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

## SENATE RESOLUTION 1979-61

By Senators Rasmussen, Gould, Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Keefe, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn and Woody:

WHEREAS, Criminal conduct in the United States has become more and more of a menace to society and to individuals deprived of their liberty, their property and even their lives; and

WHEREAS, Efforts to dramatically bring the consequences of a life of crime to the attention of young people often have fallen short of success; and

WHEREAS, Television station KSTW - Channel 11, Tacoma-Seattle, accepted the challenge to broadcast the program "Scared Straight," on March 22, 1979; and

WHEREAS, This broadcast, filmed at Rahway, New Jersey state prison, consisted of life-term convicts holding a frank, open confrontation with juvenile offenders, telling these young people in uncensored terms of the degradation and desolation of prison for lifers; and

WHEREAS, KTSTW-Television courageously broadcasted this hard hitting program; and

WHEREAS, Such a broadcast was in the best tradition of journalism and public service; and

WHEREAS, THE SENATE OF THE STATE OF WASHINGTON, Wishes to commend KSTW-Television for this exceptional use of its facilities to bring "Scared Straight" to the attention of the citizens of our area;

NOW, THEREFORE BE IT RESOLVED BY THE SENATE, That KSTW-Channel 11 Television hereby be congratulated and commended for its activity in the field of crime prevention and education and especially for the courage of its management in making this broadcast public.

## MOTION

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

## SENATE RESOLUTION 1979-60

By Senators Walgren, Matson, Odegaard and Newschwander:

WHEREAS, The 145,000 small businesses of Washington State, each employing 50 or less people, represent a majority of the private retailing, wholesaling and contracting business of this state; and

WHEREAS, Small businesses in Washington State will collect \$1.630 billion in state sales and use taxes during the biennium; and

WHEREAS, Small businesses in Washington employ over 515,000 workers equaling 46.1 percent of the Washington private sector work force, have created over 24,000 jobs per year for the last five years, provide an annual payroll of more than \$6 billion, and contribute as estimated \$84.5 billion to Washington's gross product; and

WHEREAS, In preparation for the Regional Conference, the Washington Department of Commerce and Economic Development, through its Division of Small Business, in concert with small business leaders and the U.S. Small Business Administration, have held a series of eight statewide regional meetings to solicit from Washington's small business community their comments and concerns with government regulatory authorities, agencies, and policies, and that Washington is the only state to prepare a document so stating the concerns of the small business community for the Regional and White House Small Business Conferences;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, assembled in special session, welcomes the regional White House Conference on Small Business to Washington State and encourages the small business community to participate in the Regional and White House Conferences so that their cooperation will continue through to the federal government to better small businesses' position to compete, provide jobs and contribute to Washington's economy; and

BE IT FURTHER RESOLVED, That the Washington State Senate welcomes all participants to the Regional Conference and actively supports their efforts to define small business problems, identify jurisdictional problems between state and federal programs so that both governments and small businesses may progress towards a solution to these problems; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send a copy of this resolution to the Regional Conference on Small Business, U.S. Small Business Administration, and the Washington Department of Commerce and Economic Development.

#### MOTION

At 10:45 a.m., on motion of Senator Marsh, the Senate recessed until 12:00 noon.

The President called the Senate to order at 12:00 noon.

#### MOTION

At 12:00 noon, on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### MOTION

At 1:33 p.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 2:55 p.m.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 17.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Senate Bill No. 2565.

## THIRD READING

ENGROSSED SENATE BILL NO. 2565, by Senators Day, Vognild, Talmadge, Conner, Wanamaker, Sellar and Woody:

Providing for polling places accessible to handicapped persons.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2565.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2565 and the bill passed the Senate by the following vote: Yeas, 36; nays, 3; absent or not voting, 7; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Morrison, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—36.

Voting nay: Senators Gould, Newschwander, Van Hollebeke—3.

Absent or not voting: Senators Benitz, Hayner, Jones, Matson, Moore, North, Sellar—7.

Excused: Senators Keefe, Peterson, Wanamaker—3.

ENGROSSED SENATE BILL NO. 2565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Jones, Senators Hayner and Matson were excused. There being no objection, the Senate returned to the sixth order of business.

## SECOND READING

SENATE BILL NO. 2709, by Senator McDermott:  
Relating to education.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 2709 was substituted for Senate Bill No. 2709 and the substitute bill was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Hayner, Rasmussen, Moore, Benitz, Lewis and Donohue:

On page 6, beginning on line 21, strike all material through line 27.  
Debate ensued.

## POINT OF INQUIRY

Senator Shinpoch: "Senator McDermott, in the bill that you prepared — on page 3, line 10, you struck 'and shall include career orientation' and in the comparison of basic education amendments that you passed out, you made a point to note that that had been struck. But in career education, in the WAC that defines career education, career education defines career orientation as a portion of career education which you apparently have struck in line 3. Can you tell me how that will work?"

Senator McDermott: "The actual process is that we pass a law and then after we pass a law, the executive departments for instance SPI, goes through the WAC

procedure of changing it in response to the law. Since we presently have the words 'career orientation' in the law, it is understandable that they have a WAC dealing with that. If we take it out, they are going to have to take it out of the WAC. So I think the process will be, they will take the 'career orientation' out."

Senator Shinpoch: "Then I guess I would ask you, why did you put into the section on page 6, starting on line 21, it says, 'notwithstanding those definitions'. So irrespective of how it is defined, it looks to me like you have put a contradiction into your bill."

Senator McDermott: "It has been a great deal of confusion over the whole question of 'career orientation'. What does that mean? We took it out because the school directors and the SPI asked us to take it out because it has been a confusing area."

"'Career orientation' is not the same as 'career education'. 'Career orientation' means in the second grade you are talking about mathematics; maybe get a policeman to come in and talk about miles per hour; maybe you get a fireman to come in and talk about something; or a farmer or somebody else."

"It has been very difficult to calculate that in this whole thing so at the request of those agencies, we took it out."

Senator Shinpoch: "Senator McDermott, the problem . . . I assume you have read WAC 180.16.235 which 'career orientation' is a portion of 'career education' and the problem with your statement is that you have ruled out all of those definitions and even though you have taken out 'career orientation' by the language that you have on line 21, page 6, which Senator Pullen is proposing to strike, you have ruled out us looking at the language that you struck on 'career orientation' becomes meaningless then."

Senator McDermott: "I guess we will have to read the whole WAC provision for you. If you strike one part, Senator Shinpoch, you strike the words 'career orientation'. You leave in 'career awareness' and you leave in 'career exploration' and it is clear that under 'career education' in WAC 180.16.235 schools like Bethel can continue their program."

"The whole question of 'career orientation' — the reason it was taken out — if you read the language it says, 'shall mean learning experiences that emphasize the wide range of occupations available; worker characteristics, educational and training requirements; and relevancy of school subjects to the occupational areas and stress self-evaluation of interest, aptitudes and abilities and their application to various life styles'."

"Some people found that a little bit hard to interpret so we took it out but we left in 'career education' because we think that education ought to be tied to what you do when you get out of school and the whole thing is consistent. The 'career orientation' was very hard to interpret and we finally just decided, at the request of the SPI, to take it out."

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

The Secretary commenced reading an amendment by Senators Pullen, Hayner, Rasmussen, Moore, Benitz, Lewis and Donohue.

#### POINT OF ORDER

Senator McDermott: "Mr. President, is this a perfecting amendment to the section that we just sought to strike? I think we are supposed to do perfecting amendments before we strike, if I understand the procedure."

Debate ensued.

## RULING BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President believes that the remarks of Senator McDermott are essentially correct, however, the President is aware that inasmuch as both of the amendments are yours that you are advised that the procedure adopted would be permitted. The President did not realize the situation but does believe that in the sense of fairness that inasmuch as Senator Pullen was advised that the procedure would follow, the President would appreciate your permission to do so, Senator McDermott."

Senator McDermott indicated affirmatively.

President Cherberg: "Thank you, Senator McDermott."

Senator Pullen moved adoption of the following amendment:

On page 6, line 23, strike "an integral part of any" and after "as" insert:

"a fraction not to exceed 10 percent"

Debate ensued.

## POINT OF INQUIRY

Senator Shinpoch: "Senator McDermott, Senator Bottiger indicated that it was necessary to leave this in in order for his school district to be in compliance. Is there anywhere in the current law that allows this same type of thing? Are you moving this from somewhere or is this something new going into the law?"

Senator McDermott: "This is basically a flexibility amendment. One of the problems when we wrote the . . ."

Senator Shinpoch: "Is it new or is it current?"

Senator McDermott: "No, any language that is underlined like that is new but I assumed you asked me some other question as to why we put the new language in there. Obviously, the answer to it is yes, it is new."

Senator Shinpoch: "As I understand it, there were no school districts in Senator Bottiger's area that was out of compliance last time so I would assume that if this is new language, it is not currently in law. Then I would assume that it is not required in order for Senator Bottiger's district to be in compliance because they were obviously in compliance this year."

## REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Shinpoch, the problem as it was explained to me and Senator Gould has told me that candidly she said it, you may be in another section is where the real problem is.

"As subsection (8) was explained to me because of the other language attempting to define the difference between 'basic skills' and 'academic skills' to require the carpenter that is teaching the course and the math teacher that comes in and teaches the angle courses to require them to keep the minutes time record of how many minutes that kid drove nails as opposed to how many minutes he kept track of angles and worked out his geometry problems and wrote his English paper to translate that into minutes, created a huge amount of paper work that subsection (8) as you redefined keeping track of time. Subsection (8) in these courses, you don't have to keep track of all of those times if you satisfy the SPI that it falls under subsection (8) as a combination of basic skills and career skills. That an evaluation of that course does not need to have the minute time-keeping records kept."

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

On motion of Senator McDermott, the following amendment by Senators McDermott, Jones, Hayner, Clarke and Henry was adopted:

On page 8, line 23, after "space" and before the period insert "PROVIDED FURTHER, That those school districts which have been found by the state board of

education to be out of compliance with the basic education program requirements enumerated in RCW 28A.58.754 during the 1978 and 1979 school year shall be deemed to be in compliance if such districts are in compliance with those basic education program requirements enumerated in section 1 of this amendatory act"

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

On page 10, beginning on line 30, strike the underscored material down through "amended," and insert that language after "duties" on line 32.

Senator Woody moved adoption of the following amendment:

On page 11, line 2, strike "school district board of directors" and insert "state board of education".

Debate ensued.

The motion by Senator Woody failed and the amendment was not adopted on a rising vote.

Senator Pullen moved the following amendments by Senators Pullen and Benitz be considered and adopted simultaneously:

On page 11, line 10, strike "((and))" and insert "and", and on line 11, after "RCW" strike "," and insert ". The legislature may appropriate funds"

Debate ensued.

The motion by Senator Pullen carried and the amendments were adopted on a rising vote.

There being no objection, Senator Marsh withdrew an amendment to page 11, after "RCW" striking a comma and inserting which was on the desk of the Secretary of the Senate.

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

On page 11, line 11, after "for" strike "the"

On page 11, line 16, strike "the"

On motion of Senator Talmadge, the following amendment by Senators Talmadge and North was adopted:

On page 11, line 19, after "districts" insert ": PROVIDED, That those school districts with over 10,000 students in enrollment who experience greater than a 4 percent annual increase or decrease in enrollment shall submit to the superintendent of public instruction after public hearings a five-year projection of enrollment along with all actions the district proposes to undertake to reduce the impact of such enrollment fluctuations".

Senator Vognild moved adoption of the following amendment by Senators Vognild, Pullen, Donohue, Day and Van Hollebeke:

On page 14, line 8, after "learning" insert ", and in no event shall they authorize the use of local or state funds to challenge, or to prepare to challenge, the legality or constitutionality of an initiative or referendum duly enacted by the electorate of the state"

Debate ensued.

#### POINT OF ORDER

Senator Gould: "Mr. President, this bill is a bill relating to education. We are now talking about matter of litigation and the use of taxpayers money for litigation. I would like a ruling from you if that is not beyond the scope and object of the bill."

#### POINT OF ORDER

Senator Newschwander: "Senator Gould gave a speech before she made the motion."

## RULING BY THE PRESIDENT

President Cherberg: "The Senator's Point of Order is well taken."

Senators Day, Bausch and Pullen demanded the previous question and the demand was sustained.

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

The President declared the question before the Senate to be the roll call on the amendment by Senators Vognild, Pullen, Donohue, Day and Van Hollebeke.

## ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 30; nays, 13; excused, 6.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Day, Donohue, Gallagher, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Scott, Sellar, Talley, Van Hollebeke, Vognild, Wilson, Woody—30.

Voting nay: Senators Conner, Fleming, Gaspard, Goltz, Gould, McDermott, Ridder, Shinpoch, Talmadge, von Reichbauer, Walgren, Williams, Wojahn—13.

Excused: Senators Benitz, Hayner, Keefe, Matson, Peterson, Wanamaker—6.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Morrison and Gaspard:

On page 21, line 11 strike all of section 13 on page 21 and insert the following:

**"NEW SECTION.** Sec. 13. The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) (a) The office of the superintendent of public instruction shall determine if a district's need for vehicles can best be served by overhaul of existing equipment to bring it up to good operating condition and current state and federal specifications. The office of the superintendent of public instruction shall reimburse the district for the cost of such overhaul: PROVIDED, That the amount of reimbursement shall not exceed that which the office of the superintendent of public instruction considers to be reasonable to cover the cost of the overhaul.

(b) The office of the superintendent of public instruction shall determine if the district's need for vehicles can best be served by outright purchase and, in consultation with the district, which will be the most appropriate type of equipment for the district's needs. In considering the most appropriate vehicle all options and factors shall be considered, including new as opposed to used vehicles, vehicle sizes, fuel types, engine sizes, drive trains, expected vehicles life, availability of parts and services, and expected maintenance cost differentials. In determining vehicle size the superintendent will be guided by the student population forecast of the district. The interpretation of the criteria by the superintendent in designating the appropriate vehicle shall be uniform for all districts and shall be in conformance with categories and guidelines to be established by the superintendent. Thereafter the district shall prepare specifications describing the appropriate vehicle and call for competitive bids. The specification shall be written in a manner designed to produce maximum competition in bidding, using performance standards in lieu of design standards where necessary. In event the district wants to exceed the specifications for the appropriate vehicle, the specifications in excess of those for the appropriate vehicle shall be separately priced in the bid. The district will be responsible for the cost of specifications in excess of those for the appropriate vehicle.

Vehicles acquired by the districts pursuant to the provisions of this section will be expected to be operated by the districts not less than the number of years of depreciation now, or hereafter, assigned to the class of vehicles by the superintendent. Failure of the district to operate the vehicle for such a period due to poor driving practices, inadequate maintenance, or other reasons within the control of the

district, shall cause the superintendent of public instruction to penalize the district in future grants by an amount equal to the original costs of the vehicle multiplied by the fraction of the depreciation period the vehicle failed to operate.

The sole criterion for determining which of the above options to pursue in acquiring transportation vehicles for a district shall be minimization of total long term costs, consistent with adequate provisions for safety. In computing long term costs, all capital and operating costs shall be taken into account.

The state's reimbursement to the district shall be limited to the least costly of options set forth in the procedure cited above in this section.

It shall be the responsibility of the school districts to properly maintain the transportation equipment acquired under the provisions of this section, such maintenance to be in accordance with the guidelines established by the office of superintendent of public instruction.

(2) The superintendent shall develop a depreciation schedule to reimburse districts for the cost of student transportation vehicles purchased during the school year. The schedule shall be adjusted annually for buses already on depreciation by the average purchase price paid for specific classes of appropriate vehicles during the past year. The schedule shall be written on the basis of the categories of student transportation vehicles, purchase price and the anticipated life of the vehicles, and shall include a factor recognizing the cost of depreciation to districts contracting with public or private carriers for student transportation services."

Debate ensued.

#### POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, could you tell me what the difference is between this version of the transportation and the Senate version as in the original bill?"

Senator McDermott: "Essentially a major difference is that the original bill was in the hands of general services administration or the general administration. They would decide on what busses. We moved it to the SPI. We gave the SPI responsibility to go out and deal with the school districts and decide on what is the most appropriate bus. We gave him the flexibility to set up a number of categories. Most people talk in terms of probably seventy-five categories of bus from which districts will agree with the superintendent about which bus they need and will purchase it. They will front the money and we will pay them for the bus over the course of the depreciation of the bus.

"In addition to that, we will give them an escalator in terms of inflation so that when it comes necessary to replace the bus at the end of its depreciation schedule, they will have the money then again to front the next bus they want to buy."

Senator Bluechel: "Senator McDermott, the Senate philosophy, as we discussed in the joint caucus and in our own caucuses, was that we would figure basically the lump sum amount that would go to each school district for bussing and then do with as little interference as possible with rules and regulations. Does that still stand as the basis of the money that is going to be distributed the same as in the original bill?"

Senator McDermott: "We intend this to be as little bit of interference and bureaucratic nonsense as possible and that is why we tried to change it. We wanted local districts to have as much say as possible. We didn't want general administration to sit there, develop the category of busses, decide what people needed and send them out to them. We wanted it to be some kind of negotiation at the local level and it is for that reason we tried to get as much flexibility as we could."

Senator Bluechel: "Senator McDermott, you didn't answer the other part of the question. Is the dollar amount the same or approximately the same — figuring of the dollars — is that the same in both bills?"

Senator McDermott: "Yes."

#### POINT OF INQUIRY

Senator Odegaard: "Senator McDermott, in subsection (b) it says, 'the interpretation of the criteria by the superintendent in designating the appropriate vehicle shall be uniform for all districts and shall be in conformance with categories and guidelines to be established by the superintendent'. What is really meant by that word 'uniform'? There is something about that that bothers me a little bit if we are going to allow for some local flexibility. Could you explain what you mean by that?"

Senator McDermott: "Yes. What is intended here is that the superintendent would have, let us say seventy-five categories of different kinds of busses; some with gasoline engines; some with diesel; some carrying forty; some carrying sixty; some carrying twelve; all these categories would be there. He would negotiate with the local district and select the bus that they needed. Say they needed a forty-passenger gasoline bus, he would then give them a uniform treatment in terms of what he would agree to pay back in depreciation. There wouldn't be any special deals for this district or that district. If they bought a particular kind of bus, anybody who bought that particular kind of bus would get uniform reimbursement."

#### POINT OF INQUIRY

Senator Guess: "Senator McDermott, to make sure that we don't find a situation where all of the mechanical features of the busses are the same, I would like for you to explain to me if the local school districts that are in mountainous countries are going to have to take uniformly the same busses that those counties that have flatland areas. Is that the intention of the word 'uniform'?"

Senator McDermott: "Senator Guess, no. If you will look at the same section that Senator Odegaard was talking about. In setting up categories and considering language of the bill, 'in considering the most appropriate vehicle all options and factors shall be considered, including new as opposed to used vehicles, vehicle sizes, fuel types, engine sizes, drive trains. . . . etc."

"What we are suggesting is that the superintendent is going to set up categories with those kinds of specs involved and it will be the reimbursement that will be uniform but we expect that there would be a particular kind of bus that would be appropriate, say in the Washtucna school district and one that would be appropriate in the Colville district and that they would be different kinds of vehicles and that the districts would have the freedom to choose which one would do the job for winter or for flatland or whatever."

#### POINT OF INQUIRY

Senator Quigg: "Senator McDermott, do you think there is sufficient protection in the amendment to keep the state from buying a bus more than once through depreciation schedules, sales and so forth?"

Senator McDermott: "Sounds like a nursing home. Yes, I think there is."

#### POINT OF INQUIRY

Senator Wilson: "Senator McDermott, as I understand it, the language in the bill before us told general services to establish various categories of busses and with respect to each category, it would establish a fair market value and that is the price that the state would be willing to reimburse the local districts for through depreciation payments. Then the local districts would select its bus, as it does now, and to the extent it fit into one of the categories, the state would provide reimbursement and to the extent the district was hanging surplus equipment on it, it would be up to

the district to pay for the extra equipment. Is that about the process that is in the bill now?"

Senator McDermott: "Yes."

Senator Wilson: "Okay. Now as I understand your amendment, it would transfer the function of establishing categories and prices and so forth to the SPI but rather than the district then deciding which bus it wanted understanding that the state would only reimburse it up to the specified levels, the SPI will now come out to the local districts, will it not, and in effect participate in their decision and negotiate with the directors and in some cases argue against them with respect to the type of bus they would be desiring to acquire?"

Senator McDermott: "There would certainly be a negotiation process. I am not sure it would break down into argument but I think that it is reasonable for them to, once having set up the categories, to go out and talk to the district about what they intend to do with this particular bus; will it be for handicapped children; or will it be for general population or whatever, and to have a discussion with the district about why they need a particular bus. I think that to have another opinion is not a bad idea and it certainly, when we are paying the entire bill at the state level, at least we ought to have somebody going out and having that kind of discussion. This is, in my opinion, a better way to go since it gives that discussion, rather than having general administration that knows little or nothing about schools."

Senator Wilson: "I don't have any quarrel between general administration and SPI but it is the introduction of this unsolicited consultation from Olympia that I am talking about."

"I would like an answer to one other question and I am curious about it and that is why such a rather dramatic change in the bus acquisition procedure was developed after the bill had moved out of your committee?"

Senator McDermott: "In the sixty day session which recently ended in a flurry there were a lot of bills that we tried to get out of committee and into rules as quickly as possible and some of the fine work . . . we had a long discussion on this section in the committee with a lot of testimony and we didn't quite get it resolved but we had to get it into rules and so it got into rules without this amendment. This amendment would have been hung in committee if we had had another day."

#### POINT OF INQUIRY

Senator Odegaard: "Senator McDermott, reading on a little further, I find it says, 'failure of the district to operate the vehicle for such a period due to poor driving practices, inadequate maintenance, or other reasons . . . shall cause the SPI to penalize the district in future grants'."

"Now, how is the SPI going to know if there are 'poor driving practices' unless they have investigators or whatever they might be, watching the drivers drive the busses?"

Senator McDermott: "I will be interested to see the WAC's which are drawn to implement that particular section of the bill. I don't know how that will be done. I think it will be very difficult to do and I am not sure how much that particular section will be used in the bill. Obviously there is some gross misuse of busses. They forget to change the oil or something. That kind of thing would be easy to document but driving practices, I think a little more difficult. Somebody who rides the brake or the clutch, it is a little bit hard to tell that from following them or something else so I think that is going to be hard to implement and I am not sure how they will do that in the WAC."

Further debate ensued.

## MOTION

Senator Odegaard moved Substitute Senate Bill No. 2709, as amended, together with the pending amendment by Senators McDermott, Morrison and Gaspard, be held for further consideration on Monday, March 26, 1979.

## MOTION

At 4:27 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Monday, March 26, 1979.

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

## SIXTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Monday, March 26, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Gould, Hayner, Keefe, Lee, Peterson, Rasmussen, Scott, Talley and Wanamaker. On motion of Senator Wilson, Senators Fleming, Keefe, Peterson, Rasmussen and Talley were excused. On motion of Senator Jones, Senators Gould, Hayner, Lee, Scott and Wanamaker were excused.

The Color Guard, consisting of Pages Rosemary Reed and Mike Rousseau, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia offered the following prayer:

"ALMIGHTY GOD, DESIGNER, CREATOR AND SUSTAINER OF THE UNIVERSE! WE PRAISE YOU AS THE CREATOR OF THIS LAND—THIS TIME, DISJOINTED AND YET AN OPPORTUNE TIME TO PERCEIVE AND IMPLEMENT YOUR PLAN FOR THIS STATE AND ITS PEOPLE. WE RECOGNIZE THAT WE CANNOT HIDE OUR ABILITY AND OUR INABILITY FROM YOU; NEITHER OUR ENERGY OR OUR SLOTH; NEITHER OUR USE OR OUR ABUSE OF YOUR MANDATE TO SERVE! FOR YOU, LORD, SEE US AND YOU PLACE A BURDEN OF RESPONSIBILITY UPON US TO ACT AS PEOPLE IN YOUR DIRECT LINE OF VISION.

"WE THANK YOU FOR THE BEAUTY OF THIS DAY! WE THANK YOU FOR THE PRIVILEGE OF BEING AMERICANS—AND WASHINGTONIANS! WE THANK YOU FOR MAKING CONSTITUTIONAL GOVERNMENT A REALITY FOR US! WE THANK YOU FOR THE SPECIAL LEGISLATIVE FUNCTION THESE SENATORS HAVE BEEN EQUIPPED TO FULFILL IN THIS GREAT ENTERPRISE. WE THANK YOU FOR THE DIVERSITY OF TALENT REPRESENTED HERE AND YET THE SINGLENESSE OF PURPOSE TO SERVE.

"PLEASE HELP US MAKE THIS A WORTHWHILE SESSION FOR THESE MEN AND WOMEN AND FOR THE CONSTITUENCY THEY REPRESENT. HELP RELIEVE THE TENSIONS THAT COME WITH AN HONEST EFFORT TO MAKE DECISIONS AND ENACT LEGISLATION THAT IS HONORABLE AND TRULY IN THE BEST INTEREST OF ALL! INVEST US WITH WISDOM, REFLECTIVE OF YOUR OWN—AND ENTHUSIASM BORN OF YOUR SPIRIT TO DO THE RIGHT. IN JESUS' NAME WE PRAY. AMEN."

### MOTION

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

### REPORTS OF STANDING COMMITTEES

March 23, 1979.

SENATE BILL NO. 2679, providing for successor clauses in certain employment contracts (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2679 be substituted therefor, and that Substitute Senate Bill No. 2679 do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 2771, providing for civil immunity for persons who give elected officials information on matters affecting the public (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2771 be substituted therefor, and that Substitute Senate Bill No. 2771 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallagher, Hayner, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 3033, changing the laws concerning irrigation districts (reported by Committee on Agriculture):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3033 be substituted therefor, and that Second Substitute Senate Bill No. 3033 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 3094, modifying laws relating to sewerage, water, and drainage systems (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3094 be substituted therefor, and that Substitute Senate Bill No. 3094 do pass.

Signed by: Senators Wilson, Chairman; Fleming, Lee, Moore, North.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 23, 1979.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 23, 1979, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2005: Relating to alcoholic beverages.

SENATE BILL NO. 2033: Relating to the duties of the state purchasing and material control director's powers and duties.

SUBSTITUTE SENATE BILL NO. 2132: Relating to school facilities cost stabilization.

SUBSTITUTE SENATE BILL NO. 2141: Relating to the practice of pharmacy.

SUBSTITUTE SENATE BILL NO. 2149: Relating to education.

SENATE BILL NO. 2206: Relating to commercial feed.

SUBSTITUTE SENATE BILL NO. 2265: Relating to pesticide application.

SUBSTITUTE SENATE BILL NO. 2310: Relating to the state treasurer.

SENATE BILL NO. 2511: Relating to litter control and recycling.

SENATE BILL NO. 2562: Relating to voter registration.

Sincerely,  
H.B. HANNA  
Legal Counsel.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2062.

## THIRD READING

SENATE BILL NO. 2062, by Senators Jones, Fleming, North, Morrison and Conner:

Authorizing municipal performing and visual arts centers.

## MOTIONS

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 2062 was returned to second reading.

On motion of Senator Goltz, the following amendment by Senators Goltz and Jones was adopted:

On page 5, line 33, after "chapter," insert "or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder,"

On motion of Senator Jones, the rules were suspended, Engrossed Senate Bill No. 2062 was advanced to third reading, the second 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. 2062, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Excused: Senators Fleming, Gould, Hayner, Keefe, Lee, Peterson, Rasmussen, Scott, Talley, Wanamaker—10.

ENGROSSED SENATE BILL NO. 2062, having received the 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 returned to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2855.

## SECOND READING

SENATE BILL NO. 2855, by Senators Henry, Clarke and Bluechel:  
Establishing penalties for unlawful use of preferential lanes.

## MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2855 was substituted for Senate Bill No. 2855 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate No. 2855 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Hansen: "Senator Guess, how would the violators be notified? Will they be stopped on the highway or what will be criteria for . . ."

Senator Guess: "Senator Hansen, as you remember in the committee, we tried to work that thing out. Somebody wanted to take the license plate down and send them a bill for the violation but that was decided that was not possible and so they are going to have to make an actual contact with the vehicle, pull them off the road and give them the ticket."

Senator Hansen: "Thank you. That was one point I just wanted to be clarified on the floor."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2855 and the bill passed the Senate by the following vote: Yeas, 36; nays, 4; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Guess, Hansen, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Ridder, Sellar, Shinpoch, Vognild, von Reichbauer, Walgren, Williams, Wilson, Woody—36.

Voting nay: Senators Rasmussen, Talmadge, Van Hollebeke, Wojahn—4.

Excused: Senators Fleming, Gould, Hayner, Keefe, Lee, Peterson, Scott, Talley, Wanamaker—9.

SUBSTITUTE SENATE BILL NO. 2855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:07 p.m.

## NOON SESSION

The President called the Senate to order at 12:07 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2415.

## SECOND READING

SENATE BILL NO. 2415, by Senators Talmadge, Sellar and Hayner: Revising procedures relating to civil commitment.

## MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 2415 was substituted for Senate Bill No. 2415 and the substitute bill was placed on second reading and read the second time in full.

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Hayner:

On page 6, after line 22, strike the remainder of the bill and insert the following:

"Sec. 4. Section 23, chapter 142, Laws of 1973 1st ex. sess. as amended by section 11, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.180 are each amended to read as follows:

If the evaluation and treatment facility admits the person, it may detain him for evaluation and treatment for a period not to exceed seventy-two hours. The computation of such seventy-two hour period shall (~~include Saturdays, but~~) exclude Saturdays, Sundays and holidays.

Sec. 5. Section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200 are each amended to read as follows:

(1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both he and, if possible, a responsible member of his immediate family, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him into custody or by personnel of the evaluation and treatment facility where he is detained that unless he is released or voluntarily admits himself for treatment within seventy-two hours of the initial detention:

(a) That a judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain him after the seventy-two hours have expired for up to an additional (~~fourteen~~) twenty-one days without further automatic hearing for the reason that he is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or that he is gravely disabled;

(b) That he has a right to communicate immediately with an attorney; he has a right to have an attorney appointed to represent him before and at the probable cause hearing if he is indigent; and he has the right to be told the name and address of the attorney the mental health professional has designated pursuant to this chapter;

(c) That he has the right to remain silent and that any statement he makes may be used against him;

(d) That he has the right to present evidence and to cross-examine witnesses who testify against him at the probable cause hearing; and

(e) That he has the right to refuse medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on said designated attorney.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court.

Sec. 6. Section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his admission, be examined and evaluated by a licensed physician and a mental health professional as defined in this chapter, and shall receive such treatment and care as his condition requires including treatment on an outpatient basis for the period that he is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his professional designee, the person presents a likelihood of serious harm to himself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than (~~fourteen~~) twenty-one days.

Sec. 7. Section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than (~~fourteen~~) twenty-one additional days of either involuntary intensive treatment or of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for (~~fourteen~~) twenty-one day involuntary detention or a less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his attorney and his guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a ((fourteen)) twenty-one day involuntary treatment after a probable cause hearing has been held pursuant to RCW 71.05.240.

Sec. 8. Section 29, chapter 142, Laws of 1973 1st ex. sess. as amended by section 16, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.240 are each amended to read as follows:

If a petition is filed for ((fourteen)) twenty-one day involuntary treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person. If requested by the detained person or his attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed ((fourteen)) twenty-one days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed ((fourteen)) twenty-one days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the ((fourteen)) twenty-one day period is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310.

Sec. 9. Section 30, chapter 142, Laws of 1973 1st ex. sess. as amended by section 17, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.250 are each amended to read as follows:

At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his behalf;
- (2) To cross-examine witnesses who testify against him;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file.

The physician-patient privilege shall be deemed waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that it is unreasonable for the petitioner seeking ((fourteen)) twenty-one day involuntary treatment to obtain a sufficient evaluation of the detained person by a psychiatrist or psychologist or other health professional and such waiver is necessary in the opinion of the court to protect either the detained person or the public.

Whenever the physician-patient privilege is deemed waived pursuant to this section, the waiver shall be limited to the introduction of relevant and competent medical records or testimony of an evaluation or treatment facility or its staff, a

facility of the department of social and health services or its staff, or a facility certified for ninety-day treatment by the department of social and health services or its staff for the purpose of meeting evaluation requirements contained in chapter 10.77 RCW and chapter 71.12 RCW: PROVIDED HOWEVER, That the physician-patient privilege shall not be waived if the physician specifically identifies himself to the detained person as one who is communicating with that person for treatment only: AND PROVIDED FURTHER, That the privilege shall not extend to incident reports involving the detained person.

The record maker shall not be required to testify in order to introduce medical records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

Sec. 10. Section 31, chapter 142, Laws of 1973 1st ex. sess. as amended by section 18, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.260 are each amended to read as follows:

(1) Involuntary treatment ordered at the time of the probable cause hearing shall be for no more than ~~((fourteen))~~ twenty-one days, and shall terminate sooner when, in the opinion of the professional person in charge of the facility or his professional designee, (a) the person no longer constitutes a likelihood of serious harm to himself or others, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for ~~((fourteen))~~ twenty-one days of intensive treatment shall be released at the end of the ~~((fourteen))~~ twenty-one days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom RCW 71.05.280 is applicable.

Sec. 11. Section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.280 are each amended to read as follows:

At the expiration of the ~~((fourteen))~~ twenty-one 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 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) Such person ~~((is in custody because he))~~ has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3), as now or hereafter amended, and 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) Such person is gravely disabled.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter or chapter 10.76 RCW, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment.

Sec. 12. Section 34, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.290 are each amended to read as follows:

(1) At any time during a person's (~~fourteen~~) twenty-one day intensive treatment period, the professional person in charge of a treatment facility or his professional designee or the designated county mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.090(3) as now existing or hereafter amended, then the professional person in charge of the treatment facility or his professional designee or the county designated mental health professional may directly file a petition for ninety day treatment under RCW 71.05.280(3). No petition for initial detention or (~~fourteen~~) twenty-one day detention is required before such a petition may be filed.

Sec. 13. Section 39, chapter 142, Laws of 1973 1st ex. sess. as amended by section 24, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.340 are each amended to read as follows:

(1) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient (~~care~~) treatment prior to or at the expiration of the period of commitment, (~~then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment~~) then outpatient treatment may be required for a period which shall not exceed ninety days. If the hospital or facility designated to provide outpatient (~~care~~) treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(2) The hospital or facility designated to provide outpatient (~~care~~) treatment or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3) If a committed person refuses to accept any condition of outpatient treatment, the person is entitled to a prompt judicial hearing which shall be held within the period of court-ordered inpatient commitment, if possible, but in no event more than five days after the expiration of the period, during which time the person may continue to be detained. At the hearing, the sole question to be determined is the reasonableness of the required conditions. The court may strike any condition deemed by the court to be unreasonably burdensome or onerous or may order the unconditional release of the committed person.

(4) If the hospital or facility designated to provide outpatient (~~care~~) treatment, the designated county mental health professional or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions

of his release, ~~((and because of that failure has become a substantial danger to himself or other persons;))~~ then, upon notification by the hospital or facility designated to provide outpatient ~~((care))~~ treatment, or on his own motion, the designated county mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he is receiving outpatient treatment until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he had been conditionally released. The designated county mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the designated county mental health professional or the secretary shall file his petition and order of apprehension and detention with the court and serve them upon the person detained. His attorney, if any, and his guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his release; and, if he failed to adhere to such terms and conditions, whether the conditions of release should be modified or if the person meets applicable commitment standards under RCW 71.05.280 as now or hereafter amended, whether he should be returned to ((the facility)) inpatient treatment. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the ninety-day period ~~((for which he was committed for involuntary treatment;))~~ or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his counsel and his guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

~~((4))~~ (5) The proceedings set forth in subsection ~~((3))~~ (4) of this section may be initiated by the designated county mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than fifteen days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient ~~((care))~~ treatment, notice in writing to the court which committed the person for treatment shall be provided.

Sec. 14. Section 10, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.050 are each amended to read as follows:

Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate release and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one

hundred eighty days for evaluation as to the need for further treatment and/or possible release, at which time they shall again be advised or their right to release upon request: PROVIDED HOWEVER, That if the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests release as presenting, as a result of a mental disorder, an imminent likelihood of serious harm to himself or others, or is gravely disabled, they may detain such person for sufficient time to notify the designated county mental health professional of such person's condition to enable such mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day: PROVIDED FURTHER, That if a person is brought to the emergency room of a public or private agency or hospital for observation or treatment and said person refuses voluntary admission and the professional staff of the public or private agency or hospital regards such person as presenting as a result of a mental disorder an imminent likelihood of serious harm to himself or others or is gravely disabled, they may detain such person for sufficient time to notify the designated county mental health professional of such person's condition to enable such mental health professional to authorize such person being further held in custody or transported to an evaluation treatment center pursuant to the conditions of this chapter, but which time shall be no more than six hours.

Sec. 15. Section 294, page 187, Laws of 1854 as last amended by section 7, chapter 13, Laws of 1965 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian nor to a proceeding to involuntarily treat because of the spouse's alleged mental or physical condition: PROVIDED, That the spouse of the person sought to be detained under chapter 71.05 RCW may not be compelled to testify in such proceedings.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A regular physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

Sec. 16. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a public or private facility may receive any person who is a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the

receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person;

(2) In the case of a person thirteen years of age or under, the application may be voluntarily made by his parents, or by the parent, limited guardian as authorized, guardian, or other person entitled to his custody. When such person is more than thirteen years of age, such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor. All such voluntary applications to a public agency shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of such facility to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. Such person's condition and status shall be reviewed by the professional person in charge of the facility or his designee at least once each one hundred eighty days. A person under eighteen years of age received into a public facility as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a public or private facility as a voluntary patient.

(3) No minor over thirteen years of age shall be involuntarily committed to a state or private facility for care and treatment as mentally disordered, or for observation as to the existence of mental disorder, except in accordance with the following requirements:

(a) The facility must be certified by the department of social and health services to provide evaluation and treatment to persons under eighteen years of age suffering from mental disorders: 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 a part of, or operated by, the department of social and health services or any federal agency will not require certification.

(b) A petition shall be filed with the juvenile court by the person's parent, parents, limited guardian as authorized, guardian, or by the juvenile court itself. The petition shall set forth the reasons why commitment is necessary and what alternative courses of treatment have been explored. The juvenile court shall then conduct a hearing, at which the person under eighteen years of age shall be represented by an attorney, to determine whether commitment is clearly in the best interests of the person sought to be committed, and that no less restrictive alternative exists: PROVIDED, That, if in the opinion of the designated county mental health professional a minor presents an imminent likelihood of serious harm to himself or others, he may be temporarily detained for up to seventy-two hours by a licensed facility pending petition to the juvenile court for further commitment.

(c) If the juvenile court determines that commitment is clearly necessary, it will issue an order approving such petition. If the juvenile court determines that a less restrictive alternative is desirable, it may order that alternatives be followed.

(d) If a person under the age of eighteen years is committed to a state or private facility pursuant to this section, the juvenile court recommending commitment shall require a report from the facility every one hundred eighty days that sets forth such facts as the juvenile court may require. Upon receipt of the report, the juvenile court shall undertake a review of the status of such person to determine whether or not it is still clearly in the best interests of the patient that he remain in the facility. If the juvenile court determines that further commitment is not clearly in the best interests of the patient, it shall order release upon such conditions as it deems necessary.

(e) Every person under the age of eighteen shall have all the rights provided for persons eighteen years of age or over under this chapter as now or hereafter amended except those rights specifically modified by this section: PROVIDED, That the juvenile court rather than the superior court shall be responsible for any proceedings. A voluntarily admitted minor over thirteen years of age shall have the right to release on the next judicial day from the date of request unless a petition is filed in juvenile court by the professional person in charge of the facility or his designee on the grounds that the juvenile is dangerous to himself or others or that it would be in the best interests of the juvenile that he remain in the facility. Furthermore, should the patient and his parent, parents, limited guardian as authorized, or guardian both request his release, he shall be immediately released unless the professional person in charge of the facility objects immediately in writing to the juvenile court on the grounds that the person is dangerous to himself or others and that it would not be in the patient's best interests to be released. Should this occur, the juvenile court shall hold a hearing on the issue within five judicial days and determine whether the person should be released.

(f) Nothing in this section shall prohibit the professional person in charge of the facility in which the person is being treated from releasing him at any time when, in the opinion of said professional person, further commitment would no longer be in the best interests of the patient.

Whenever a person is released by the professional person in charge of a facility under this section, said person shall, in writing, notify the juvenile court which committed the person for treatment.

(4) In the case of a person eighteen years of age or over for whom a limited guardian or guardian of the person has been appointed, such application shall be made by said limited guardian or guardian, when so authorized by proper court order in the limited guardianship or guardianship proceedings.

(5) Whenever any person of the age of eighteen years or more voluntarily presents himself to any state institution or facility for the treatment of the mentally ill, and such person declares or presents other evidence that he is mentally ill to the extent of endangering his own life or the lives of others, and that he wishes to commit himself for treatment, he shall be admitted to the facility or institution for observation and evaluation by a qualified mental health professional, and treatment as needed, for a period not less than seventy-two hours.

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."

Senator Talmadge moved adoption of the following amendment to the amendment by Senators Talmadge and Hayner:

Amend the amendment to page 6, after line 22 as follows:

Strike "~~((fourteen))~~ twenty-one" and insert "fourteen" on the following pages:

Page 2, lines 14-15

Page 5, lines 2 and 12

Page 6, line 5

Page 7, lines 4 and 15

Page 8, lines 5, 19, and 24

Page 9, line 15

Page 10, line 30

Page 11, lines 5, 8, and 21

Page 12, line 36

Page 13, lines 38-39

Debate ensued.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

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

On motion of Senator Talmadge, the following amendment by Senator Talmadge to the title was adopted:

On page 1, on line 7 of the title, after "71.05.020;" strike the remainder of the title and insert "amending section 23, chapter 142, Laws of 1973 1st ex. sess. as amended by section 11, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.180; amending section 25, chapter 142, Laws of 1973 1st ex. sess. as amended by section 13, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230; amending section 29, chapter 142, Laws of 1973 1st ex. sess. as amended by section 16, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.240; amending section 30, chapter 142, Laws of 1973 1st ex. sess. as amended by section 17, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.250; amending section 31, chapter 142, Laws of 1973 1st ex. sess. as amended by section 18, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.260; amending section 33, chapter 142, Laws of 1973 1st ex. sess. as amended by section 19, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.280; amending section 34, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.290; amending section 39, chapter 142, Laws of 1973 1st ex. sess. as amended by section 24, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.340; amending section 10, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.050; amending section 294, page 187, Laws of 1854 as last amended by section 7, chapter 13, Laws of 1965 and RCW 5.60.060; and amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070."

#### MOTION

On motion of Senator Clarke, Senate Bill No. 2415, as amended, was ordered held on the second reading calendar for Tuesday, March 27, 1979.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2474.

#### SECOND READING

SENATE BILL NO. 2474, by Senators North and Bottiger:  
Updating references to the state building codes.

#### REPORT OF STANDING

February 15, 1979.

SENATE BILL NO. 2474, updating references to the state building code (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment.

On page 2, add a new section following section 1 as follows:

"NEW SECTION, Sec. 2. The state building code advisory council shall report to the legislature on January 12, 1981 their recommendations for thermal and lighting standards for residential, commercial and industrial construction."

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, North, Woody.

The bill was read the second time by sections.

Senator Bottiger moved the committee amendment not be adopted.

#### POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I have in my hand ASHRAE Standard 90-75, and after having thoroughly examined those standards that were proposed and adopted by the American Society of Heating, Refrigerating, and Air-conditioning Engineers, I find that there are several provisions in the standards which we don't build to in the state of Washington, at least in my particular area over in Eastern Washington. Some of those standards just won't fit.

"Do I understand from you that the amendment that we have on the desk will allow the advisory committee to alter the building code in order that we might adopt rules and regulations that will accommodate the best of construction conditions in Eastern Washington?

Senator Bottiger: "Senator, it is the intent in offering the floor amendment that I will ask that we adopt in a minute, that we get some input.

"Now for your information and the information of the Senate, the department of energy recognizes Senator Guess's concern and is currently making a study of how individual, regional climatic conditions might make a difference in the adoption of the actual ASHRAE standards and it is not the intent, in offering the floor amendment, that we bind our building code advisory committee to the ASHRAE 75 standards. I think there is a better way to do it. I think the department of energy recognizes that and we are looking for the time to put in an energy code that will meet the needs of the state of Washington not necessarily the entire United States."

Senator Guess: "There is one thing I would like to point out to you. In the lighting arrangements that are required, in some homes that are built with the number of windows in them that people like to have out here, the requirements are for a great deal more power in the kitchen area, for instance. The particular house that I have has lots of windows in it and I have approximately two hundred and ten watts of lighting. This would require that we have three hundred watts. Do you assure me that the building code that we adopt, or the advisory committee will be able to adopt, variances from that particular type of standard?"

Senator Bottiger: "Senator Guess, I can assure you that the advisory committee will probably move in the direction that you would desire and that I would desire and that they will negotiate with region ten for an adoption of a Washington efficiency standard that will, in your case, reduce the amount of consumption.

"Also another item that has come up since ASHRAE 75 was the use of neon as opposed to light globes, candescent light globes. Fluorescent lighting is much more efficient than heat resistant and there should be a recognition of that in the ASHRAE standards."

#### POINT OF INQUIRY

Senator Hansen: "Senator Bottiger, when we were hassling this bill back in 1975, there was a lot of controversy over summer homes and log cabins and things like this. Does our code still leave that section of our society out or does it cover them all now?"

Senator Bottiger: "Senator Hansen, since 1975 the federal government has recognized the error of their ways and the wisdom of ours and has gone to an efficiency standard as opposed to a cook book."

"Now, in other words, instead of R-19 insulation in the ceiling in an area that would be a waste, they have tended toward recognizing the climatic conditions and the alternate ways of reaching the standards by a model or a design standard as

opposed to actual necessary inches of thickness of certain insulating material so they will allow you to do it in several ways as we did in House Bill 98."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, this 'shall take effect prior to June 30, 1980; and shall be presented to the Senate and House committees on energy and utilities at the time it is proposed as a draft rule'.

"I was wondering if you would consider an amendment after the word 'utilities' so it would read then . . . 'shall be presented to the Senate and House committees on energy and utilities for their approval at the time it is proposed as a draft rule'. This would give the committees the power to review and reject such as we have proposed in Senate Bill 3030."

Senator Bottiger: "Senator Rasmussen, my concern is delegating rule-making authority to a standing committee. We have had before us the concept of allowing a committee to veto an agency rule and were that the decision, this bill would still come under the purview of any such act. But if we were to adopt your amendment, as I understand it, we would be faced with a legislative committee actually adopting or going into the rule-making authority.

"Now that might be a concept we would like to consider but I think we should do it very cleanly and after some thought.

"The way this is worded, that language was put in at the suggestion of the industry. What they would like is some place to complain in public, in front of a legislative committee, about a proposed draft and I agree with them and agreed to put that language in. That comes from the industry."

Senator Rasmussen: "I think it is a good provision but all it does is say that it will be submitted to the energy and utilities committees at the time it proposes a draft rule. It doesn't say what you are to do with it after they submit it to you."

Senator Bottiger: "The discussions we had with the industry were that if it were something very offensive, Senator Guess, Senator Williams, as an architect, would be on the phone calling saying 'this is terrible. We think it ought to be reworded'. We would hold a hearing and put it out in front of the public and the press about what the proposed rule would do. That was the industry's concept of that language."

Debate ensued.

#### POINT OF INQUIRY

Senator Van Hollebeke: "Senator Bottiger, Senator Hansen asked a question regarding recreational cabins, summer homes. Your answer didn't sound responsive to that to me. You talked about climatic conditions and so forth and recognition of that. I didn't think you gave us any information regarding recreational part-time-use homes and if you could help a little on that, I would appreciate it."

Senator Bottiger: "In the discussion of House Bill 98, the question came up about say solid cedar wall homes and we wrote in from exemption language in House Bill 98. That language would have to be reviewed by the advisory committee but since that time the concept of the cook book approach to insulation has been changed so that you go to design. If you wanted to have a recreational home with all windows on one side, you might have to reduce the number of windows on the other three sides to meet the total exposure standards. Now that is called the 'design system' as opposed to 'cook book system'.

Senator Van Hollebeke: "There are no special provisions either in the existing code or in proposed changes here that would make exemptions for homes only intended to be used for summer weather, are there?"

Senator Bottiger: "Not that I know of right now but that is the kinds of thing that would . . . I just received a note from the staff and yes, there are different standards for summer homes under the federal regulation."

The motion by Senator Bottiger carried. The committee amendment was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 2, following line 9, add a new section as follows:

**"NEW SECTION.** Sec. 2. The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW for the purpose of adopting a statewide thermal efficiency and lighting code to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. Such code shall take into account regional climatic conditions; shall take effect prior to June 30, 1980; and shall be presented to the Senate and House Committees on Energy and Utilities at the time it is proposed as a draft rule."

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2474 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, did you have an opportunity to discuss the input the building association and so forth would have that are familiar with the building practices in the various climatic areas of the state into the rules changes as they might affect energy."

Senator Bottiger: "Senator Quigg, on the building advisory committee are two members of the industry and in addition I believe two other architects as well as some building code people from around the state. Some consumer affairs type and an addition with the floor amendment, for all practical purposes, the members of Senate and House energy and utilities committees so I am sure that all of those climatic conditions will be considered."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2474, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—41.

Voting nay: Senators Hansen, Talley, Wilson—3.

Absent or not voting: Senator Donohue—1.

Excused: Senators Hayner, Keefe, Peterson, Wanamaker—4.

ENGROSSED SENATE BILL NO. 2474, having received the constitutional 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 12:32 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2473.

## SECOND READING

SENATE BILL NO. 2473, by Senators Lewis and von Reichbauer (by State Parks and Recreation Commission request):

Providing for use of moneys derived from sale of state parks land.

## REPORT OF STANDING COMMITTEE

February 2, 1979.

SENATE BILL NO. 2473, providing for use of moneys derived from sale of state parks land (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendment:

On page 2, beginning on line 16, after "commission" strike all material down to and including "price" on line 18 and insert ". In acquisitions authorized by this section, the power of eminent domain shall not be exercised unless agreed to by the seller and buyer for the purpose of determining price"

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

The bill was read the second time by sections.

On motion of Senator Lewis, the committee amendment was adopted.

On motion of Senator Lewis, the rules were suspended Engrossed Senate Bill No. 2473 was advanced to third reading, the second 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. 2473, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—43.

Voting nay: Senators Shinpoch, Wilson—2.

Excused: Senators Hayner, Keefe, Peterson, Wanamaker—4.

ENGROSSED SENATE BILL NO. 2473, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2753.

## SECOND READING

SENATE BILL NO. 2753, by Senators Day, Talmadge and Wanamaker:  
Revising the laws relating to public assistance.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2753 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 Day, the Governor has of course asked for and we have passed out of committee a bill that will require a one percent penalty for not paying a vendor within thirty days after the bill has been accepted. It just seems to be going the wrong direction. Here are vendors asking for one hundred and twenty days time to get their bills in. It doesn't seem like we are working the right direction. . . ."

Senator Day: "This is the opposite end of the thing. This is the time for the vendor to submit his bill properly after the service is provided. Now after he properly submits his bill then the thirty days is addressed to that aspect of it as far as payment. In other words, after he properly submits the bill, it gives the department the thirty days in which to pay the bill. In some instances, there was no time allotted for the department to pay those and they went on for months and months and months. So that is what that addresses to. This is addressed to giving a little leeway to the provider in case that a billing is missed or in the case I cited where there was a mistake and the billings were not properly submitted within the sixty day period.

"What this does is it extends that so they can find those mistakes and correct them within the billing period and not lose the money, Senator, to the vendor."

Senator Rasmussen: "My concern is that if you wait four months to submit your bill that by that time all records will be lost over in the department and it won't do any good."

Senator Day: "Hopefully they won't be lost."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2753, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Hayner, Keefe, Peterson, Wanamaker—4.

SENATE BILL NO. 2753; having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Wilson, Senators Conner and Marsh were excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2563.

## SECOND READING

SENATE BILL NO. 2563, by Senators von Reichbauer, Lewis, Gaspard and Sellar:

Reorganizing and renaming the interagency committee for outdoor recreation.

## REPORT OF STANDING COMMITTEE

February 7, 1979.

SENATE BILL NO. 2563, reorganizing and renaming the interagency committee for outdoor recreation (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 2 after "consisting of" strike "~~((the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries))~~" and insert "the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries"

On page 3, line 22 after "state." strike "Two" and insert "At least two"

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wojahn, Woody.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendments were adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 2563 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2563, and the bill passed the Senate by the following vote: Yeas, 43, excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Conner, Hayner, Keefe, Marsh, Peterson, Wanamaker—6.

ENGROSSED SENATE BILL NO. 2563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:00 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, March 27, 1979.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## SEVENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 27, 1979.

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 Keefe, Peterson, von Reichbauer and Wanamaker. On motion of Senator Jones, Senator Wanamaker was excused. On motion of Senator Wilson, Senators Keefe, Peterson and von Reichbauer were excused.

The Color Guard, consisting of Pages Cara Sandahl and Scott McCutchan, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"GREAT GOD! TO YOU ALONE BELONGS THE KINGDOM, THE POWER AND THE GLORY! WE ACKNOWLEDGE YOU AS THE ONE WHO HAS ORDAINED HUMAN GOVERNMENT FOR THE TEMPORAL WELFARE OF MANKIND AND ALL THAT BELONGS TO YOUR CREATION. GRANT AND CONTINUE TO US A SUCCESSION OF LEGISLATORS WHO HAVE BEEN TAUGHT AND ARE WILLING AND ABLE TO DEMONSTRATE THE WISDOM OF YOUR KINGDOM.

"ENDOW ALL MEMBERS OF THIS BODY WITH A RIGHT UNDERSTANDING, A PURE PURPOSE AND SOUND SPEECH; ENABLE THEM TO RISE ABOVE ALL SELF-SEEKING AND PARTY ZEAL INTO THE LARGER SENTIMENTS OF PUBLIC GOOD AND HUMAN BROTHERHOOD. PURGE OUR POLITICAL LIFE OF EVERY EVIL; MAKE US TO LOVE PEACE AND FAIR-DEALING. INSPIRE US WITH CALMNESS AND SELF-RESTRAINT AND THE ENDEAVOR TO FURTHER THE DOING OF THY WILL, PARTICULARLY IN THE DECISION-MAKING PROCESSES OF THIS LEGISLATIVE BODY. WE RENDER OUR THANKS AND PETITION YOUR HELP IN THE NAME OF JESUS CHRIST, OUR LORD. AMEN."

### MOTION

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

March 26, 1979.

SENATE BILL NO. 2203, granting enforcement powers to the department for water system laws (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Lewis, Lysen, North.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2442, relating to energy distribution systems (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2442 be substituted therefor, and that Substitute Senate Bill No. 2442 do pass.

Signed by: Senators Bottiger, Chairman; Lewis, Lysen, North, Williams, Wilson.

Passed to Committee on Rules for second reading.

March 22, 1979.

SENATE BILL NO. 2455, amending public disclosure laws (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2455 be substituted therefor, and that Substitute Senate Bill No. 2455 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Pullen.

Passed to Committee on Rules for second reading.

March 23, 1979.

SENATE BILL NO. 2532, relating to hospital districts (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2532 be substituted therefor, and that Substitute Senate Bill No. 2532 do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2716, relating to elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2716 be substituted therefor, and that Substitute Senate Bill No. 2716 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Lewis, Marsh.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2765, changing monthly apportionment amounts of state aid to school districts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2895, requiring child restraint systems in automobiles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, von Reichbauer.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2896, implementing the law relating to fund raising events under gambling law (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2916, prescribing aircraft hazard zones (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Hansen, von Reichbauer.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 3065, relating to redistricting and reapportionment (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 3065 be rereferred to the Committee on Constitution and Elections.

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Constitution and Elections.

March 26, 1979.

SENATE JOINT MEMORIAL NO. 107, requesting that the Bonneville Power Administration be authorized to support pilot developmental plants (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Benitz, Lewis, Lysen, North, Wilson.

Passed to Committee on Rules for second reading.

March 26, 1979.

SUBSTITUTE HOUSE BILL NO. 280, prohibiting advertisement of unlicensed contractors (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

March 26, 1979.

ENGROSSED HOUSE BILL NO. 622, removing expiration date from motor vehicle excise tax distribution statute (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Fleming, Goltz, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1979.

HOUSE JOINT RESOLUTION NO. 31, establishing a redistricting commission (reported by Committee on Rules):

MAJORITY recommendation: That House Joint Resolution No. 31 be rereferred to the Committee on Constitution and Elections.

Signed by: John A. Cherberg, Chairman; Senators Clarke, Conner, Fleming, Gaspard, Guess, Matson, Newschwander, Odegaard, Ridder, Sellar, Talley, Walgren, Wojahn.

Rereferred to Committee on Constitution and Elections.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 27, 1979.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on March 26, 1979, Governor Ray approved the following Senate Bills entitled:

SENATE BILL NO. 2021: Relating to correctional institutions.

SENATE BILL NO. 2066: Relating to the taxation of travel trailers and campers.

SENATE BILL NO. 2069: Relating to motor vehicles.

SENATE BILL NO. 2077: Relating to utility rates.

SENATE BILL NO. 2147: Relating to food.

SENATE BILL NO. 2180: Relating to agriculture.

SENATE BILL NO. 2256: Relating to state funds.

SENATE BILL NO. 2339: Relating to nursing homes.

SENATE BILL NO. 2355: Relating to osteopathy.

SUBSTITUTE SENATE BILL NO. 2393: Relating to noxious weeds.

SENATE BILL NO. 2479: Relating to banks and trust companies.

Sincerely,  
H.B. HANNA  
Legal Counsel.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2415.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 2415, by Judiciary Committee (originally sponsored by Senators Talmadge, Sellar and Hayner):

Revising procedures relating to civil commitment.

The Senate resumed consideration of Substitute Senate Bill No. 2415. On Monday, March 26, 1979, the bill was amended and held for further consideration today.

Senator McDermott moved adoption of the following amendment:

On page 4, line 13, after "disorder" strike the remainder of the subsection and insert: "is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety;"

Debate ensued.

### POINT OF INQUIRY

Senator Talley: "Senator McDermott, we have a situation in this state which I think is very wrong. We get these people into our mental institutions. We keep them there for about six weeks and get them on drugs and get them so they are fairly calm, send them out in the general public. Say 'go home, take your medicine and be a good boy'. There is no outpatient clinic check on them, they don't do it and they do create a hazard. Will this take care of this situation?"

Senator McDermott: "Yes, I think it does, Senator Talley. I have worked in Seattle as the psychiatrist in the King county jail and some of the people you are talking about are the kinds of people who go in and out of hospitals and this would allow them to be civilly committed by taking away the word 'serious'.

"The word 'serious' has been the holdup in the court's mind. They have taken that word seriously and have not put people in until there was a showing of severe problems. By removing that you are allowing them to take into account people's needs for health and safety when it is obvious that there is a need.

"In addition, we are going to put money into the budget so that there will be treatment available for them both in outpatient clinics in the mental health centers and in the state hospitals and I think that is sufficient to care for this problem."

The motion by Senator McDermott failed and the amendment was not adopted.

Senator McDermott moved adoption of the following amendment:

On page 5, line 26, after "harm" strike all the matter down to the semicolon on page 5, line 31.

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

There being no objection, an amendment by Senator McDermott to page 5, line 30 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 2415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Talley: "Senator McDermott, you feel there is sufficient money in the budget to provide outpatient care for these people?"

Senator McDermott: "One of my problems with this bill is that as we open up the section we are really opening up a much wider net, so to speak, and I am concerned that no one can, at this point, give us good estimates.

"Now we are putting quite an increase into the mental health budget but I am not really sure that it will cover all the people who will now fall under this bill. I hope so and I think we may be faced with a supplemental appropriation in 1980-1981. I think it is almost impossible for anyone to give a specific fiscal note that really answers your question."

Senator Talley: "Another question, Senator McDermott. Under this bill, if somebody is released from Western State and instructed to take his medication, should he be ordered to report to these clinics for a check and to see that he is taking medicine?"

Senator McDermott: "Yes. One of the sections of this bill that I hope Senator Talmadge will help me, one of these sections makes it possible for the superintendent of a hospital to require somebody to take medication and in fact to extend them for additional time, for ninety days beyond, when their commitment would be up under order to take the medication. So there is that kind of provision in here to order people, under the court, to take medication and to return them to the hospital if they don't take their medication."

Senator Talley: "Then they would, under this order, they would have to go in and be checked and see that they are doing it?"

Senator McDermott: "That is correct."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2415, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Peterson, Wanamaker—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate advanced to the eighth order of business.

## MOTION

On motion of Senator Odegaard, the following resolution was adopted:

## SENATE RESOLUTION 1979-62

By Senators Odegaard and Talley:

WHEREAS, Organized athletics between our high schools offer many opportunities to learn and understand the meaning of competition and sportsmanship; and

WHEREAS, The "Tigers" of Centralia High School are the 1979 Class AA basketball champions of the State of Washington; and

WHEREAS, The "Tigers" completed the 1979 season with a 21 and 6 win-loss record; and

WHEREAS, Centralia High School's team was never rated in the state polls for the 1979 season; and

WHEREAS, This is Centralia High School's first-ever state basketball championship; and

WHEREAS, The championship is the result of long hours of practice, dedication, application of skills, and desire; and

WHEREAS, The tenacity and perseverance of the team is well illustrated by the fact that the "Tigers" have been in the regional playoffs five of the last ten years; and

WHEREAS, The pride and unity of members of the "Tiger" team are illustrative of a high quality coaching staff assembled by 18-year veteran head coach Ron Brown; and

WHEREAS, Two members of the team, Bob Peters and Todd Wilmovski, were selected to receive all-tournament honors;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That members of the Centralia basketball team, Coach Ron Brown, the assistant coaches, and all the persons responsible for Centralia High School, be extended our most hearty congratulations for their championship, and a "job well done"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit suitable copies of this resolution to Principal Bill Brumsickle, to Coach Ron Brown and each of his assistants, to members of the Centralia Board of Education, and to each member of the 1979 Class AA State High School Basketball Championship Team.

## PRESENTATION OF STATE BASKETBALL CHAMPIONS

The Centralia High School basketball team was presented by President Cherberg. With permission of the Senate, business was suspended to permit Coach Ron Brown and High School Principal Bill Brumsickle to address the Senate.

## MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1979-56.

On motion of Senator Talley, the following resolution was adopted:

## SENATE RESOLUTION 1979-56

By Senators Guess, Henry, Talley and Rasmussen:

WHEREAS, Amendment X to the U. S. Constitution declares that "powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

WHEREAS, The federal government has time and again through legislative and executive acts violated the letter, spirit and intent of this constitutional amendment; and

WHEREAS, A recent example is President Carter's invoking of the provisions of the Antiquities Act of 1906, which resulted in 56 million acres of the State of Alaska being removed from state control; and

WHEREAS, It has become abundantly clear to those of us who are involved in the state government process, that citizens want less government intervention, whether it be federal, state or local;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington urges and requests the U. S. Congress and the President of the United States to respect the rights of the states and in all decisions give due recognition to the duty and ability of the states to govern themselves, to decide and implement legislation affecting the citizens of the individual states; and to comply with Amendment X to the United States Constitution; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to members of the congressional delegation of the State of Washington.

#### MOTION

At 10:47 a.m., on motion of Senator Walgren, the Senate recessed until 12:23 p.m.

#### NOON SESSION

The President called the Senate to order at 12:23 p.m.

#### MOTIONS

On motion of Senator Wilson, Senators Bausch, Bottiger and von Reichbauer were excused.

On motion of Senator Walgren, the Senate returned to the sixth order of business.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 2023, by Committee on State Government (originally sponsored by Senators Donohue, McDermott and Odegaard):  
Creating a personnel appeals board and setting out its powers and duties.

#### MOTIONS

On motion of Senator Donohue, Second Substitute Senate Bill No. 2023 was substituted for Substitute Senate Bill No. 2023 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gould, Second Substitute Senate Bill No. 2023 was made a special order of business at a time certain following the noon recess.

#### SECOND READING

SENATE BILL NO. 2212, by Senators Woody, Henry, von Reichbauer, Benitz, Conner and Gaspard:  
Authorizing National Guard assistance scholarships.

## MOTIONS

On motion of Senator Donohue, Second Substitute Senate Bill No. 2212 was substituted for Senate Bill No. 2212 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the rules were suspended, Second Substitute Senate Bill No. 2212 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2212, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senator Lysen—1.

Absent or not voting: Senators Guess, Hayner—2

Excused: Senators Bausch, Bottiger, Keefe, Peterson, von Reichbauer, Wanamaker—6.

SECOND SUBSTITUTE SENATE BILL NO. 2212, having received the constitutional 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 12:34 p.m., on motion of Senator Marsh, 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 Marsh, the Senate commenced consideration of Second Substitute Senate Bill No. 2023.

## SPECIAL ORDER OF BUSINESS

## SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 2023, by Committee on State Government (originally sponsored by Senators Donohue, McDermott and Odegaard):

Creating a personnel appeals board and setting out its powers and duties.

The time having arrived, the Senate resumed consideration of Second Substitute Senate Bill No. 2023. Earlier today, on motion of Senator Donohue, the second substitute bill had been substituted for Substitute Senate Bill No. 2023.

On motion of Senator Donohue, the following amendments by Senators Donohue and Rasmussen were adopted:

On page 4, line 26, after "appeals" insert "filed on or after July 1, 1979".

On page 5, line 21, after "board" strike "and" and insert "or".

On page 6, line 18, after "RCW 28B.16.120(2) and" strike "41.06.170(3)" and insert "41.06.170(2)".

On page 20, following line 8, insert a new section to read as follows:

**"NEW SECTION.** Sec. 23. This 1979 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."

Re-number remaining sections consecutively.

Senator Gould moved the following amendments be considered and adopted simultaneously:

On page 4, line 26, after "decide" strike all material up to and including "Appeals" on line 30 and insert: "appeals"

On page 5, line 4, after "agency" and before "with" on line 5, strike "or institution of higher education"

On page 5, line 8, after "to" and before "as" on line 9, strike "RCW 28B.16.120(3) or 41.06.170(3), each" and insert: "41.06.170(3);".

On page 6, line 18, after "to" and before "as" strike "RCW 28B.16.120(2) and 41.06.170(3), each" and insert: "RCW 41.06.170(3);".

On page 8, line 36, after "board" and before the period on line 1, page 9, strike "~~((and the board may appoint and compensate hearing officers to hear and conduct appeals))~~" and insert: "and the board may appoint and compensate hearing officers to hear and conduct appeals"

On page 9, line 12, after "employee" and before the semicolon strike "~~((; and appeals therefrom))~~" and insert: "; and appeals therefrom"

On page 13, line 2, after "to the" and before "board", strike "personnel appeals"

On page 13, line 6, after "writing" and before the period on line 10, strike "~~((and shall be heard by the board or its hearing officer duly appointed by the board within thirty days after notice of appeal is filed. The board shall furnish the institution or related board concerned with a copy of the appeal in advance of the hearing))~~" and insert: "and shall be heard by the board or its hearing officer duly appointed by the board within thirty days after notice of appeal is filed. The board shall furnish the institution or related board concerned with a copy of the appeal in advance of the hearing"

On page 13, line 15, after "the" strike "personnel appeals"

On page 13, line 15, after "(2)" and before the period on line 19 strike "~~((above: PROVIDED, That when an appeal is initiated under this subsection the decision of the higher education personnel board shall be final))~~ of this section" and insert: "above: PROVIDED, That when an appeal is initiated under this subsection the decision of the higher education personnel board shall be final"

On page 19, line 25, beginning with "(1)" strike all material up to and including "RCW 28B.16.170;" on line 34.

Re-number remaining subsections accordingly.

Debate ensued.

### POINT OF INQUIRY

Senator Guess: "Senator Donohue, with the creation of this board under this bill requires that the state hire new people to be the board members and all the secretarial help. What is the fiscal impact of the creation of this board?"

Senator Donohue: "The fiscal impact is around three hundred and fifty thousand dollars. The answer to your question is 'yes'. The Governor will appoint three people. Those three people will be either full time or part time and she will set the compensation. That is in the bill.

"In talking against the amendment, I have to explain a little bit. One of the big problems we have, Senator, is that we have about one hundred and fifty-three cases that are pending that the present appeals board, present board, has not been able to

hear. It is contemplated that with full time, these people, or perhaps in the future, part time, that the new board members will be able to eliminate this problem and be able to hear those people who desire to appeal at a much better time frame. Under the present situation, they just cannot do it."

Senator Guess: "Senator, would it be . . . I suppose it is a little bit late . . . but I was wondering if you could have added one more person to the personnel board as we did the industrial appeals board several years ago to lighten the load or use the hearings officer rather than having the people on the board themselves hear the appeals?"

Senator Donohue: "This bill does provide that they can have hearing officers and I guess the issue is that most of the people that are presently on the personnel board, and I have talked to some of them, definitely say that this is a much better way to go to really handle the problems that are out there as it relates to the employees."

Senator Guess: "Although be it very expensive."

Senator Donohue: "I understand it is going to more expensive, yes, Senator."

#### POINT OF INQUIRY

Senator Gould: "Senator Donohue, you mentioned one hundred and fifty three cases. Do you know how many of those cases are under the department of personnel? Are they all under there or what percentage?"

Senator Donohue: "I think most of them are, Senator. I don't think there are too many appeals that are HEP board."

The motion by Senator Gould failed and the amendments were not adopted on a rising vote.

#### MOTIONS

On motion of Senator Jones, Senator Quigg was excused.

On motion of Senator Donohue, the following amendments by Senators Donohue and Rasmussen to the title were adopted:

On page 2, line 3 of the title, after "41.06.200;" strike "and"

On page 2, line 5 of title, after "41.06.210" insert "; and declaring an emergency".

On motion of Senator Donohue, the rules were suspended, Engrossed Second Substitute Senate Bill No. 2023 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2023, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Marsh, Matson, McDermott, Moore, Morrison, Nenschwander, Odegaard, Pullen, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vogniid, Walgren, Williams, Wilson, Wojahn, Woody—31.

Voting nay: Senators Benitz, Bluechel, Clarke, Gould, Guess, Hayner, Jones, Lee, Lewis, North, Scott, von Reichbauer—12.

Absent or not voting: Senators Henry, Lysen—2.

Excused: Senators Keefe, Peterson, Quigg, Wanamaker—4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2023, having received the constitutional majority, 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. 2238, by Senators Rasmussen, Goltz, Conner, Guess, Lee, Jones, Lewis, Gould, Gallagher, Hayner, Newschwander, Clarke, Quigg, Morrison, Sellar and Benitz (by Executive request):

Requiring the payment of interest on state obligations.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2238 was substituted for Senate Bill No. 2238 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2238 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2238, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, Lysen, Peterson, Wanamaker—4.

SUBSTITUTE SENATE BILL NO. 2238, having received the constitutional majority, 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. 2241, by Senators Donohue, Fleming, McDermott, Conner, Guess, Quigg, Goltz, Ridder, Woody, Sellar, Jones, Newschwander, Gallagher, Morrison, Benitz and Talmadge (by Executive Request):

Providing for immunization of the children in this state.

## REPORT OF STANDING COMMITTEE

February 20, 1979.

SENATE BILL NO. 2241, providing for immunization of the children in this state (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, after "disease" strike all the material down to and including "rubella" on line 12

On page 1, line 25, after "against" strike all material down to and including "rubella" on line 27 and insert "certain vaccine-preventable diseases"

On page 2, line 8, after "private school" strike "district"

On page 2, line 20, after "or" insert "day care" before "center,"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2241 was advanced to third reading, the second 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. 2241, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Keefe, Lysen, Peterson, Wanamaker—4.

ENGROSSED SENATE BILL NO. 2241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2736.

### SECOND READING

SENATE BILL NO. 2736, by Senators Lee, von Reichbauer and Wanamaker:

Authorizing the interagency committee on outdoor recreation to produce a state recreation guide.

### REPORT OF STANDING COMMITTEE

February 14, 1979.

SENATE BILL NO. 2736, authorizing the interagency committee on outdoor recreation to produce a state recreation guide (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendments:

On page 1, line 12, after the period insert "All state agencies providing public recreational facilities shall participate. Cooperation of federal agencies providing public recreational facilities within the state shall be solicited."

On page 1, line 13, before the word "The" insert "The committee shall determine the costs of providing and distributing such a guide and pursue the most feasible means of paying the costs of initial production."

On page 1, add a new section following section 2 as follows:

"NEW SECTION. Sec. 3. The committee shall submit a plan for production and distribution of the guide to the State Legislature on or before January 1, 1981."

Renumber the remaining sections consecutively.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

The bill was read the second time by sections.

On motion of Senator Lee, the committee amendments were adopted.

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 2736 was advanced to third reading, the second 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. 2736, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Bottiger, Matson—2.

Excused: Senators Keefe, Lysen, Peterson, Wanamaker—4.

ENGROSSED SENATE BILL NO. 2736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2755, by Senators Gaspard, von Reichbauer and Lewis:  
Modifying requirements for state park pass for disabled persons.

## REPORT OF STANDING COMMITTEE

February 14, 1979.

SENATE BILL NO. 2755, modifying requirements for state park pass for disabled persons (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendment:

On page 2, line 5, after "disability" strike all the material through the comma on line 10 and insert ", or any other benefits for that disability from any other governmental or nongovernmental source,"

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

The bill was read the second time by sections.

On motion of Senator Gaspard, the committee amendment was adopted.

On motion of Senator Day, the following amendment was adopted:

On page 2, line 12, after "wage" insert ", or who is legally blind or profoundly deaf,".

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 2755 was advanced to third reading, the second 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. 2755, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Peterson, Wanamaker—3.

ENGROSSED SENATE BILL NO. 2755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:20 p.m., on motion of Senator Marsh, the Senate adjourned until 10:00 a.m., Wednesday, March 28, 1979.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTH DAY

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### MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 28, 1979.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Wilson, Senator Keefe was excused.

The Color Guard, consisting of Pages Michelle Pickler and Rob Eaton, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, LORD AND MASTER OF US ALL, HELP US TODAY TO REMEMBER THE WORDS OF YOUR SERVANT PAUL . . . 'NO AUTHORITY EXISTS WITHOUT GOD'S PERMISSION, AND THE EXISTING AUTHORITIES HAVE BEEN PUT THERE BY GOD'. YOU ARE THE ONE FROM WHOM ALL AUTHORITY AND POWER COMES AND THAT INCLUDES OURS TO DO LEGISLATION FOR YOUR PEOPLE. YOU HAVE MADE IT ABUNDANTLY CLEAR THAT YOU WANT US TO DO WHAT WE DO IN A WAY THAT WILL BE A CREDIT TO YOU AND HELPFUL TO YOUR PEOPLE.

"LORD, THIS IS A HEAVY RESPONSIBILITY AND WE COME TO YOU AT THE BEGINNING OF THIS DAY'S SESSION AND ASK YOU TO HELP ALL OF US REMEMBER WHAT WE ARE HERE FOR AND WHO WE ARE HERE FOR. WHEN WE REMEMBER WHAT WE ARE HERE FOR, HELP US TO DO OUR JOB WITH EAGERNESS AND ENTHUSIASM, BEARING IN MIND THAT YOU DO WANT YOUR PEOPLE TO BE WHOLE, HEALTHY AND HAPPY! AS WE REMEMBER WHO WE ARE HERE FOR, THAT IT IS FOR YOU AND OTHER PEOPLE, THEN PLEASE SET US FREE FROM PETTINESS, FALSE PRIDE AND PREJUDICE!

"HELP THESE LEGISLATORS REMAIN ALERT AND PERCEPTIVE OF THE REAL NEEDS OF THE PEOPLE AND HELP THEM CARRY OUT THEIR WORK IN A WAY THAT WILL BE MOST HELPFUL FOR ALL. MAKE THEM WISE AND JUDICIOUS IN THE VOTES THEY CAST. IN CHAMBERS AND COMMITTEES, TEMPER THEIR FIRMNESS AND PERSEVERANCE WITH PATIENCE AND KINDNESS. WE ASK FORGIVENESS FOR PAST MISTAKES AND GUIDANCE FOR TODAY IN THE STRONG NAME OF JESUS. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

March 26, 1979.

SENATE BILL NO. 2071, increasing motor vehicle dealer, subagency, and salesperson fees and correcting dealer plate provisions (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2071 be substituted therefor, and that Substitute Senate Bill No. 2071 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Hansen.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2284, relating to natural resources (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2284 be substituted therefor, and that Substitute Senate Bill No. 2284 do pass.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2301, modifying review of state personal services contracts (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2301 be substituted therefor, and that Substitute Senate Bill No. 2301 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2363, modifying procedures for promotion of officers in the state militia (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2400, modifying various provisions relating to the state militia (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2454, relating to elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2454 be substituted therefor, and that Substitute Senate Bill No. 2454 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Pullen.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2508, pertaining to insurance premium taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2626, authorizing savings and loan associations to permit use of negotiable transfers from accounts (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Clarke, Day, Donohue, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2658, providing for truck fees consistent with the international registration plan (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 2658 be substituted therefor, and that Substitute Senate Bill No. 2658 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Hansen, Lee, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2720, relating to public employment (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2720 be substituted therefor, and that Substitute Senate Bill No. 2720 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2722, relating to state government (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2722 be substituted therefor, and that Substitute Senate Bill No. 2722 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2727, granting immunity to insurance companies which provide information on possible arson fires to investigating agencies (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

March 26, 1979.

SENATE BILL NO. 2862, deleting reference to certain obsolete funds and accounts (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2862 be substituted therefor, and that Substitute Senate Bill No. 2862 do pass.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 2944, modifying allocation of certain funds under the 1977 appropriations act (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2944 be substituted therefor, and that Substitute Senate Bill No. 2944 be re-referred to Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Rereferred to Committee on Ways and Means.

March 27, 1979.

SENATE BILL NO. 3019, revising laws relating to shoreline management (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 3019 be substituted therefor, and that Substitute Senate Bill No. 3019 do pass.

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen, North, Scott.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3034, giving the Department of Transportation authority to construct a third bridge across the Columbia in the Tri-City area (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 3034 be substituted therefor, and that Substitute Senate Bill No. 3034 do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Gallagher, Guess, Lee, Peterson, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3065, relating to redistricting and reapportionment (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3065 be substituted therefor, and that Second Substitute Senate Bill No. 3065 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Pullen.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3077, providing photo identification during the drivers license renewal process (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Hansen, Lee, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3106, revising laws relating to veterans' preference for public employment (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3106 be substituted therefor, and that Substitute Senate Bill No. 3106 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 3126, permitting manicurists to operate manicure shops (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 3126 be substituted therefor, and that Substitute Senate Bill No. 3126 do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3132, directing the state fire marshal to collect and analyze fire data (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3136, exempting additional records from public inspection and copying under public disclosure act (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 3136 be substituted therefor, and that Substitute Senate Bill No. 3136 do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Peterson.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE JOINT MEMORIAL NO. 108, requesting federal aid in training local emergency response teams to deal with accidents involving transport of hazardous materials (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Conner, Guess, Hansen, Peterson, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE JOINT MEMORIAL NO. 109, requesting the federal government to provide an improved placarding system to mark transporters of hazardous materials (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Lee, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE JOINT MEMORIAL NO. 111, asking Congress and the Administration to leave responsibility for handling accidents involving transport of hazardous materials at local level (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Peterson, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE CONCURRENT RESOLUTION NO. 106, establishing the Joint Legislative Committee on Washington/British Columbia cooperation (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE CONCURRENT RESOLUTION NO. 110, extending an invitation to the National Conference of State Legislatures to meet in Seattle in 1982 (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE CONCURRENT RESOLUTION NO. 111, establishing a joint select committee to review and investigate WPPSS (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 111 be substituted therefor, and that Substitute Senate Concurrent Resolution No. 111 do pass.

Signed by: Senators Bottiger, Chairman; Hayner, North, Wilson, Woody.  
Passed to Committee on Rules for second reading.

March 27, 1979.

SUBSTITUTE HOUSE BILL NO. 97, exempting vehicles hauling farm products from regulation under certain circumstances (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Bluechel, Gallagher, Guess, Hansen, Lee, von Reichbauer.

Passed to Committee on Rules for second reading.

March 27, 1979.

HOUSE BILL NO. 414, establishing a revolving fund for fees collected by the department of labor and industries for electrical licenses and inspections (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1979.

HOUSE JOINT RESOLUTION NO. 31, establishing a redistricting commission (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Pullen.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 27, 1979.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on March 27, 1979, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2142: Relating to livestock.

SUBSTITUTE SENATE BILL NO. 2255: Relating to pesticide control.

SENATE BILL NO. 2399: Relating to county prisoners.

Sincerely,  
H.B. HANNA  
Legal Counsel.

#### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2685.

## SECOND READING

SENATE BILL NO. 2685, by Senator Bottiger:  
Simplifying financial reporting requirements for public officials.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2685 was substituted for Senate Bill No. 2685 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Senator Vognild was excused.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2685 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2685, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Lysen, Moore—2.

Excused: Senators Keefe, Vognild—2.

SUBSTITUTE SENATE BILL NO. 2685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:20 a.m., on motion of Senator Walgren, the Senate recessed until 11:52 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:52 a.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2506.

## SECOND READING

SENATE BILL NO. 2506, by Senators North and Shinpoch:

Prohibiting the mandatory retirement of public employees under the age of seventy.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

SENATE BILL NO. 2506, prohibiting the mandatory retirement of public employees under the age of seventy (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "individual's" strike everything down to and including "duties" on line 22 and insert "employer"

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

The bill was read the second time by sections.

On motion of Senator North, the committee amendment was adopted.

On motion of Senator North, the rules were suspended, Engrossed Senate Bill No. 2506 was advanced to third reading, the second 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. 2506, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Ambassador from Denmark to the United States, His Excellency Otto Borch, together with his wife, Astrid and daughter, Brigette. The President appointed Senators Walgren, Newschwander, Clarke, Marsh, Odegaard, Hansen, Wojahn and North to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit His Excellency Otto Borch to address the Senate.

The committee of honor escorted the guests from the Senate Chamber to the office of the Lieutenant Governor and the committee was discharged.

### MOTION

At 12:15 a.m., on motion of Senator Walgren, the Senate recessed until 2:00 p.m.

### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

### MOTIONS

On motion of Senator Wilson, Senator Donohue was excused.

On motion of Senator Wanamaker, Senator Gould was excused.

### SECOND READING

SENATE BILL NO. 2314, by Senators Bausch and Clarke (by Department of Licensing request): Modifying the securities act.

## REPORT OF STANDING COMMITTEE

March 22, 1979.

SENATE BILL NO. 2314, modifying the securities act (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 25, after "contract" insert ", (including the payment of money or other consideration by any person or persons with the expectation of some valuable benefit when the person or persons would have no direct control over the money or consideration, or management of the venture and when such payment represents a significant portion of the risk capital to start or sustain the venture and thereby provide the benefit)"

On page 32, beginning on line 4 strike "~~((subsections (10) or (11) of))~~" and insert "subsections (10) or (11) of"

Signed by: Senators Bausch, Chairman; Clarke, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bausch, the committee amendments were adopted.

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 2314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2314, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Fleming, Lysen, Rasmussen, Sellar, Walgren—5.

Excused: Senators Donohue, Gould, Keefe—3.

ENGROSSED SENATE BILL NO. 2314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2332, by Senators North and Wilson (by Insurance Commissioner request):

Authorizing certain educational requirements for insurance agents and broker's licenses.

## REPORT OF STANDING COMMITTEE

March 22, 1979.

SENATE BILL NO. 2332, authorizing certain educational requirements for insurance agent's and broker's licenses (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 8, after "commissioner" strike "may by regulation establish" and insert "shall by July 1, 1980, establish by regulation"

Signed by: Senators Bausch, Chairman; Clarke, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bausch, the committee amendment was adopted.

Senator Wilson moved adoption of the following amendment:

On page 2, line 10, after "broker" and before the period insert ": PROVIDED, That the commissioner shall require that continuing education courses will be made available on a statewide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses".

Debate ensued.

The motion carried and the amendment was adopted on a rising vote.

### MOTIONS

On motion of Senator Wilson, Senator Lysen was excused.

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 2332 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Van Hollebeke: "Senator Bausch, in the discussion of continuing education before the committee, did you get any indication that the department charged with the responsibility will get consideration to seminars that are conducted whether by proprietary or whether by private companies or private associations, whether or not they will be considered in the continuing education program for approval by the director?"

Senator Bausch: "That question was asked by a committee member and the answer was 'yes'."

Senator Van Hollebeke: "How about correspondence courses? Was that discussed?"

Senator Bausch: "I don't recall the correspondence as to whether or not that would be included in the program. I would assume yes but I am not positive on that."

Senator Van Hollebeke: "All right. We are going to try in the real estate license law, if we can get this through here, we are going to try . . . we are going to have that one included in, hopefully that will pass in the law . . ."

Debate ensued.

### POINT OF INQUIRY

Senator Odegaard: "Senator North, does this bill allow any kind of a grandfather clause? I cannot seem to find it in here if it does. It seems that in most kinds of legislation like this, we usually allow for some kind of a grandfather clause for the concern that Senator Williams brings out."

Senator North: "To my knowledge, no, there is no grandfather clause but you note this does not go into effect until July of 1980 at which time I would think in the course of hearings and the establishment of rules and regulations, there would be a great deal of input from the industry, from the insurance agents and brokers over the state. This would not be something just feebly entered into. It would be carefully weighed and thought through and I am sure there would be adequate time for the agents to make appropriate courses and to prepare themselves before their time has come up to be reexamined or to be relicensed."

"I can only say that in just about every walk of life today, techniques are changing so much; knowledge is changing so much that I just can't think of any job

situation where you can go along and coast for forty years without going back and taking some extra courses and additional education. I can only say in the legislature every single person in this body stands the test every two years or four years. Either you have done your homework; you have kept up with things or you haven't or the voters are going to tell you so. I think this continuing education is a very reasonable requirement."

#### POINT OF INQUIRY

Senator Donohue: "Senator North, I have a friend that he and his son operate a business together and the father who is about seventy-five years old and sort of crippled, very active in business however. He goes to the office every day. If this passes, are you saying that that individual maintain, to keep his license, is going to have to travel somewhere? He doesn't like to leave town in our little community. Is he going to have to drive someplace and travel and pick up fifteen hours to keep his license?"

Senator North: "I would assume that wouldn't be necessary. I will go back to my own Northwest Hospital Board. We have a continuing education requirement. We can meet that by reading articles in professional journals, by making reports, by continuing education courses that come through correspondence and I think that the thrust of Senator Wilson's amendment also pointing out that there are geographical barriers and there are physical differences and I think that the insurance commissioner will recognize him, particularly if people get their input into the insurance commissioner's office at the time he is drawing up the rules and regs."

Senator Donohue: "So what we are really requiring is that this elderly individual who has been in the insurance business for fifty years send a report into the insurance commissioner stating 'I have spent fifteen hours doing so' and the insurance commissioner will respond with another letter stating that you have qualified, you are okay, and you can continue to operate your business. Is that true?"

Senator North: "Senator Donohue, I cannot speak for the insurance commissioner. I assume he is a reasonable man . . ."

Senator Donohue: "I am trying to decide how to vote on the bill and I have already decided."

Further debate ensued.

#### POINT OF INQUIRY

Senator Peterson: "Senator North, what is the fiscal impact of this measure?"

Senator North: "To my knowledge there is no fiscal note on this and this is something that the insurance commissioner will have to absorb in the budget and I don't think there is any fiscal impact."

Senator Peterson: "There has to be a fiscal impact whether the legislature picks it up or the insurance commissioner picks it up, there is a fiscal impact."

Senator North: "I think I would yield to a member of the committee on this because I am not a member as to whether the bill has a fiscal impact. The chairman is showing me . . . approximately fifty thousand per year."

Senator Peterson: "Does the bill say that impact . . ."

Senator North: "The insurance industry itself can assess themselves to cover this cost. The chairman was telling me that."

Senator Peterson: "Is that spelled out in the language of the bill?"

Senator North: "I don't see it."

Senator Peterson: "That is my question. In other words, we would have to appropriate the fifty thousand dollars somewhere in the budget to accommodate this measure."

## REMARKS BY SENATOR JONES

Senator Jones: "In answer to your question . . . no. That question was specifically asked of the staff. They said they would absorb it in the budget of the insurance commissioner."

Senator Peterson: "It doesn't read that way, Senator."

Senator Jones: "There is no appropriation. You can hardly get it, right?"

## POINT OF INQUIRY

Senator Peterson: "Senator North, one further question. Couldn't the insurance commissioner accommodate what this bill addresses itself to without passing legislation?"

Senator North: "I think all executive branches have certain latitude to do things that they see are appropriate to their position. The point of the legislature is to express legislative intent. That is the reason the bill is before us. If we believe in continuing education, then we enact such language. If you don't, you don't."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "I would like to make one answer to this, Mr. President. First, in response to Senator Peterson. Under the present law, all that the commissioner may do is require they pass a license. Now the change here is that he may, in addition to that, require certain continuing education. That should not have substantial impact because once he establishes the rules and regulations, I don't see how there is any additional work."

Further debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, I have an insurance company called Colonial Penn, great friend of we senior citizens. I have another one, Nationwide Insurance; another one, Bankers Trust, and innumerable others that I don't do business with and I am not sure I do business with all these, I would have to ask my wife. However, my question is this: Do I have to attend this continuing education course when I fill out those papers and get my insurance policy by mail or do they have to have the continuing education course or would it be the post office that would have to take the thirty? Seriously, now that we are writing insurance policies in plain English, I think we are going to see more and more where you fill out your own policy and you get a cheaper rate. What does continuing education do in this respect?"

Senator Clarke: "Senator, if you want to go the mail order route in insurance, in effect, with non-admitted companies, you probably will deserve what you get. If, however, you wish to rely on a knowledgeable professional to analyze your insurance needs and advise you and represent you as your insurance broker, then I would think you would want somebody that had some qualifications to perform that act."

Senator Rasmussen: "Further question, Senator Clarke. Would they, as a company, have to sign that all of their people had this course?"

Senator Clarke: "My recollection of the law is that any corporate agency must designate those people who are in effect authorized to act on behalf of the corporation and those particular persons must qualify."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2332, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Fleming, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Morrison, North, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Walgren, Wanamaker, Wojahn, Woody—30.

Voting nay: Senators Bluechel, Conner, Day, Donohue, Gallagher, Hansen, Moore, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Talley, Vognild, von Reichbauer, Williams, Wilson—17.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2341, by Senators Henry, Wanamaker and Peterson:  
Modifying maximum size restrictions on motor vehicles.

The bill was read the second time by sections.

On motion of Senator Wanamaker, the rules were suspended, Senate Bill No. 2341 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Shinpoch: "Senator Wanamaker, when we passed a law six weeks or so ago, we passed one in here that allowed us to change the manner in which you count the feet, the total number of feet. Is there anything in this that would extend the total for the tractor trailers?"

Senator Wanamaker: "No, it does not and that did not extend the feet. It just allowed a different configuration on the makeup of the tractor and . . ."

Senator Shinpoch: "I understand that. I think we did have a maximum of thirty-five feet. Now you have done forty here. Can we put two forties together along with a tractor, I guess, is my real question?"

## REMARKS BY SENATOR HENRY

Senator Henry: "I am the prime sponsor of the bill, Senator. It does not extend the overall length that is now allowable. It changes the method of getting the permit and the same lengths they are now getting permits for."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2341, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2434, by Senators Goltz, Scott and Benitz:  
Regulating certain educational institutions.

### MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2434 was substituted for Senate Bill No. 2434 and the substitute bill was placed on second reading and read the second time in full.

Senator Van Hollebeke moved adoption of the following amendment:

On page 3, line 36, strike all material beginning with "(5)" on line 36 down to and including "exemption." on line 6, page 4.

Renumber the remaining subsection consecutively.

Debate ensued.

The motion by Senator Van Hollebeke failed and the amendment was not adopted.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 2434 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2434, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SUBSTITUTE SENATE BILL NO. 2434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2475, by Senators Moore, Day, McDermott, Quigg and Ridder:

Revising laws relating to homemaker services.

The bill was read the second time by sections.

On motion of Senator Moore, the rules were suspended, Senate Bill No. 2475 was advanced to third reading, the second 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. 2475, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner,

Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2475, having received the constitutional majority, 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. 2507, by Senators Talley, Wilson, Conner, Vognild, Woody and Odegaard:

Increasing the compensation of certain fire district commissioners.

### REPORT OF STANDING COMMITTEE

February 20, 1979.

SENATE BILL NO. 2507, increasing the compensation of certain fire district commissioners (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, after "district." and before "The" insert the following:

"The members of any district which contracts for fire fighting services shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per year, for attendance at board meetings and for performance of other service on behalf of the district."

Signed by: Senators Wilson, Chairman; Fleming, Moore, North, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendment was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 2507 was advanced to third reading, the second 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. 2507, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—34.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, North, Pullen, Quigg—13.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2610, by Senators Shinpoch, Scott, Goltz, Talley, Odegaard, Gould, Morrison, Bausch, Ridder, Newschwander, Walgren, Conner and Lee:

Authorizing certain granting of degrees at The Evergreen State College.

## MOTIONS

On motion of Senator Goltz, Second Substitute Senate Bill No. 2610 was substituted for Senate Bill No. 2610 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Second Substitute Senate Bill No. 2610 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2610, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Pullen, Rasmussen—2.

Excused: Senators Keefe, Lysen—2.

SECOND SUBSTITUTE SENATE BILL NO. 2610, having received the constitutional majority, 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. 2644, by Senators Lysen, Conner and Morrison (by Employment Security Department request):

Making the minimum weekly unemployment compensation benefit equal to fifteen percent of the state average weekly wage.

The bill was read the second time by sections.

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 2644 was advanced to third reading, the second 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. 2644, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Henry, Lee, Lewis, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—37.

Voting nay: Senators Benitz, Bluechel, Guess, Hayner, Jones, Matson, Newschwander, Pullen, Wanamaker—9.

Absent or not voting: Senator Donohue—1.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2644, having received the constitutional majority, 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. 2865, by Senators Odegaard, Ridder, Talmadge, Fleming, Peterson, Wilson, Goltz and Walgren:  
Regulating political advertising.

## MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2865 was substituted for Senate Bill No. 2865 and the substitute bill was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Lewis:

On page 2, line 2, after "affiliated" insert ": PROVIDED, That the political party may be identified by use of a generally recognized abbreviation".

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Senator Odegaard, the thing that bothers me about the bill, now this is on page one, line twenty-eight . . . 'political advertising for the candidates for partisan political office shall identify clearly and conspicuously on the material'. We got into a big argument in the last campaign about the size of the words. What do you think and what would be the intent of those who drafted the bill as to the size of the type of the candidates versus the party affiliation?"

Senator Odegaard: "You mean that the size of type for the party should be larger or not than the candidate's name itself?"

Senator Guess: "I don't want some commission coming along and saying that the name of the party has got to be the exact same size and the same number of points as that of the candidate. I don't think that . . . ."

Senator Odegaard: "That was not my intent, Senator. It was just that it not be buried down at the bottom of an ad necessarily in the fine print which sometimes it might be.

"For example, in some cases it might be 'Rep' used as Republican and might also be running for representative and some people take that for representative and kind of miss the point that they might be Republican when it is down in the fine print like that. So long as it is clearly designated and it is easily seen but does not have to be of a larger size or as large as the candidate's type. That was not my intent."

Senator Guess: "A particular ad that we were concerned about had the man's name in approximately six inch high letters. The fact that he was a Republican was done in very thin type, not bold type at all and it was less than three-quarters of an inch high and sitting in the automobile and looking at the sign on the side of the road, it just looked like a blur to me down there at the bottom.

"This is the thing that the bill tried to address itself but does the bill go overboard or is it in balance now. This is what I would like . . . ."

Senator Odegaard: "I would hope that it would not be overboard and I am glad you asked the question to get this in the journal, the intent, that as long as it is reasonable and it is conspicuous and clear but not to be overboard and I would hope that the public disclosure commission would use good judgment in this matter."

## POINT OF INQUIRY

Senator Bluechel: "Senator Odegaard, in regards to lines 19 and 20 in which it states 'all political advertising whether relating to a candidate or ballot proposition'.

Does this mean on the outside of envelopes that you mail you have to have the party designation?"

Senator Odegaard: "I would think not, Senator Bluechel. The intent was not to include the envelopes but on the contents in the envelope."

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Wilson, the following amendment was adopted:

On page 2, line 6, before "political" insert "single piece of".

On motion of Senator Woody, the rules were suspended, Engrossed Substitute Senate Bill No. 2865 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Gould: "Senator Odegaard, I recall in the last campaign if someone had three or four pieces of material together in an envelope and mailed that out that if you had the name and address of the committee on one of the pieces of information that that was sufficient, at least that was the understanding I had. Does this mean that everything that is on a separate sheet of paper that is mailed out in one mailing must still have the name and address of the campaign or campaign manager?"

Senator Odegaard: "I would think, Senator Gould, that this would be whatever would be considered a reasonable kind of effort made by that campaign committee so that it is designated whoever received that in the envelope would know."

Senator Gould: "If I could ask another question then. How does this change the current law in that respect?"

Senator Odegaard: "The current law states, for example, the party designation should be clearly stated. It says nothing that it be conspicuously stated. Also it changes the penalty section away from the present criminal offense to a civil penalty through the PDC."

Senator Gould: "I am talking about line 19, subsection (2) . . . 'all political advertising' and so forth. . . . 'shall identify the candidate's political committee and giving name and address'. This is new language."

Senator Odegaard: "You are asking how that is in present law?"

Senator Gould: "Yes. How that differentiates from what we now have."

Senator Odegaard: "This is a substitute bill and maybe I could refer to the chairman of the committee as they studied that matter and could better answer that question."

#### REMARKS BY SENATOR WOODY

Senator Woody: "In response to Senator Gould's question. The intent of our substitute bill was not to change the existing law in that regard. Of course, what we are doing is putting the decision-making and the enforcement authority concerning political advertising and what will and will not be acceptable within the confines of the law within the public disclosure commission so some of these kinds of decisions could be made by the public disclosure commission but if you are asking a question of intent, currently if you have one piece of literature in an envelope which is clearly designated as to party affiliation and you have also included several other pieces of material in the same envelope, you have been deemed to have conformed with the rules of the law so that would be fine. You could stipulate on one piece of an enclosure and not so on the others."

#### POINT OF INQUIRY

Senator Morrison: "Senator Woody, in the new language in the bill on page 1, you provide that all political advertising shall include the name and so forth of the

committee. Then there is a proviso that 'political signs need identify only the candidate and the party.' I am wondering what sort of signs you had in mind. Signs, I presume, include billboards, signs of all sizes."

Senator Woody: "We are talking most specifically in our committee discussion on this subject, we were talking about yard signs. The dimensions of the yard signs were not specifically stipulated."

Senator Morrison: "This doesn't say yard signs. I am a little concerned about the billboard and other things that could be construed as signs but in fact there is no identification of the office being sought or the committee paying for those signs."

Senator Woody: "You are correct. Currently in law nowhere is there the provision that the office sought must be identified."

Senator Morrison: "As far as you are concerned, the language of the bill would allow signs then of any size including billboards not to identify the sponsoring committee?"

Senator Woody: "That is right. To identify only the candidate and the party affiliation and that is as the current law is and our bill would not change it in that area."

#### POINT OF INQUIRY

Senator Quigg: "Senator Woody, that discussion just brought to mind a situation that I see could possibly affect me and maybe some others here. That has to do with the corporate name and the candidate's name being displayed prominently throughout the district for reasons other than political advertising. In other words, do you see any problems of any overlap there with this legislation and those people that may have large heavy equipment or something of that nature running around with their names on it having to write Republican or Democrat on the side of their dump truck, for example?"

Senator Woody: "That was not the intent of the bill. No, Senator Quigg."

Senator Quigg: "So it would have to be political advertising and intended solely for that purpose?"

Senator Woody: "Exactly so."

#### REMARKS BY SENATOR HENRY

Senator Henry: "Just a word of warning in answer to Senator Gould's question. Sometimes you incorporate a number of pieces of advertising literature in one envelope but also it is not beyond the realm of possibility you might pass some of those out individually. So as one who has been in political campaigns for forty years, I would suggest that anything you might pass out individually as well as incorporate into an envelope that you comply with this particular section of the law."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2865, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Moore, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bluechel, Clarke, Gould, Matson, McDermott, Morrison, Newschwander, Wanamaker—8.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2865, having received the constitutional majority, 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. 2901, by Senators Bausch and Clarke (by Insurance Commissioner request):

Changing the laws on service of process against an unauthorized insurer.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, Senate Bill No. 2901 was advanced to third reading, the second 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. 2901, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

SENATE BILL NO. 2901, having received the constitutional majority, 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. 2958, by Senator Henry:

Relating to transportation.

### MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2958 was substituted for Senate bill No. 2958 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the following amendments by Senators Williams and Guess were considered and adopted simultaneously:

On page 1, section 1 of the printed bill, line 13, after "decision or" insert "any" and after "action" insert "commenced prior to February 13, 1981"

On page 1, line 9 add a new section 1 to read as follows:

"**NEW SECTION.** Section 1. The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, it is the intent of this act to authorize the department of transportation to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas. The

department of transportation is directed to proceed with such actions in an environmentally responsible manner that would meet the substantive objectives of the state environmental policy act and the shorelines management act, and shall report all such actions taken and planned to be taken to the director of ecology. The exemptions from the state environmental policy act and the shorelines management act contained in sections 2 and 3 of this 1979 act are intended to approve and ratify the timely actions of the department of transportation taken and to be taken to restore interim transportation services without procedural delays.

Renumber the remaining sections consecutively.

On page 6, section 2 of the printed bill, line 24, after "(xi)" strike "The" and insert "Any action commenced prior to February 13, 1981, pertaining to the"

On page 6, section 2, line 29 after "traffic" and before the period, insert "PROVIDED, That within six months after the new or reconstructed Hood Canal bridge is open to traffic, the department of transportation shall remove all dolphins, wingwalls, barges and piers constructed or assembled at the temporary ferry terminals to provide interim transportation services across Hood Canal."

On motion of Senator Guess, the rules were suspended, Engrossed Substitute Senate Bill No. 2958 was advanced to third reading, the second 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. 2958 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2958, having received the 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, the Senate advanced to the eighth order of business.

On motion of Senator Marsh, Senate Bill No. 2318 and Senate Bill No. 2428 were rereferred to the Committee on Rules from today's second reading calendar since there were similar measures acted upon previously.

At 3:58 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Thursday, March 29, 1979.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

**NINTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, March 29, 1979.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Keefe, and Pullen. On motion of Senator Wilson, Senators Bottiger and Keefe were excused.

The Color Guard, consisting of Pages Kelly Day and Laurie McGrady, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"MIGHTY GOD OF HISTORY! WE REFLECT UPON YOUR PAST. WE ARE SOMETIMES AMAZED AND PERPLEXED BY YOUR SHAPING OF THE PRESENT. WE ANTICIPATE WITH TIP TOE EXPECTANCY THE FUTURE YOU CHOOSE TO MAKE PRESENT. FORGIVE US FOR THE TIMES WE HAVE MISREAD THE PAST AND HAVE TAKEN TOO MUCH REST IN ITS ACCOMPLISHMENTS. FORGIVE US FOR OUR FAILURE TO MAKE THE MOST OF THE PRESENT AND NOT ALWAYS SEIZING EACH OPPORTUNITY FOR SIMPLE SERVICE.

"FORGIVE US FOR OUR LACK OF CONCERN FOR THE FUTURE OF OUR TOO GREAT DEPENDENCE TO DO IN TIME NOT YET GOVERN. WE THANK YOU FOR THE DETERMINATION, DEDICATION AND SACRIFICE OF THE CIVIL SERVANTS OF THIS NATION AND THIS COMMON WEALTH IN DAYS AND YEARS PAST. WE THANK YOU FOR THE CAPABLE MEN AND WOMEN OF VARYING POLITICAL PERSUASIONS OF THESE DAYS WE NOW CALL PRESENT; AND WE THANK YOU FOR THE PROMISE OF YOUR ABIDING PRESENCE IN THE GOOD TIMES AND BAD WE NAME AS FUTURE.

"PLEASE GIVE THIS BODY THE WISDOM AND PERCEPTION TO PRESERVE, CONTINUE AND ENHANCE THAT WHICH IS GOOD FROM THE PAST. GIVE GUIDANCE TO THIS ASSEMBLED BODY TO DISCERN AND IMPLEMENT THAT WHICH IS GOOD AND NECESSARY FOR TODAY, AND MOVE US INTO A FUTURE WHERE OUR LEGISLATIVE CONTRIBUTION TO SOCIETY WILL HELP ALL PERSONS IN THIS GREAT STATE TO ENJOY THE RIGHTS YOU GIVE THEM; THE RIGHT TO HAVE; THE RIGHT TO BELONG; THE RIGHT TO BE! IN THE NAME OF CHRIST WHO BECAME HUMAN TO FREE US TO BE TRULY HUMAN WE ASK IT. AMEN."

**MOTION**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

March 27, 1979.

SENATE BILL NO. 2598, authorizing tax credits for cogeneration facilities (reported by Committee on Energy and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2598 be substituted therefor, and that Substitute Senate Bill No. 2598 do pass.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 2791, relating to agriculture (reported by Committee on Agriculture):

MAJORITY recommendation: That Substitute Senate Bill No. 2791 be substituted therefor, and that Substitute Senate Bill No. 2791 do pass.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 2852, establishing procedures for mediation and arbitration in collective bargaining by uniformed personnel (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 2871, prohibiting possession of a deadly weapon in a detention facility (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 2919, authorizing substitution of a court reporter based upon prejudice against a party or attorney in an action or proceeding (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Bottiger, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 27, 1979.

SENATE BILL NO. 3105, revising laws relating to veterans preference in public employment (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 3105 be substituted therefor, and that Substitute Senate Bill No. 3105 do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE JOINT RESOLUTION NO. 116, establishing a judicial qualifications commission to conduct judicial discipline proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones.

Passed to Committee on Rules for second reading.

March 28, 1979.

ENGROSSED HOUSE BILL NO. 87, regulating agricultural commodity warehouses (reported by Committee on Agriculture):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Hansen, Chairman; Benitz, Day, Gaspard, Wanamaker.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

March 27, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 236, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 21, 1979.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 133, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 28, 1979.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 38,

HOUSE BILL NO. 71,

SUBSTITUTE HOUSE BILL NO. 80,

HOUSE BILL NO. 284,

HOUSE BILL NO. 308,

HOUSE BILL NO. 322,

SUBSTITUTE HOUSE BILL NO. 326,

SUBSTITUTE HOUSE BILL NO. 334,

HOUSE BILL NO. 785,

SUBSTITUTE HOUSE BILL NO. 791,

SUBSTITUTE HOUSE BILL NO. 799,

HOUSE BILL NO. 888,

HOUSE BILL NO. 903,

SUBSTITUTE HOUSE BILL NO. 1013,

SUBSTITUTE HOUSE BILL NO. 1018,

SUBSTITUTE HOUSE BILL NO. 1045,

SUBSTITUTE HOUSE BILL NO. 1057,

HOUSE BILL NO. 1106,

HOUSE BILL NO. 1115,

SUBSTITUTE HOUSE BILL NO. 1126,

HOUSE BILL NO. 1221,

HOUSE BILL NO. 1241,

SUBSTITUTE HOUSE BILL NO. 1347,

SUBSTITUTE HOUSE BILL NO. 1359, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

March 28, 1979.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 41,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 291,

SUBSTITUTE HOUSE BILL NO. 715,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 725,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 748,

SUBSTITUTE HOUSE BILL NO. 751,

HOUSE BILL NO. 762,

SUBSTITUTE HOUSE BILL NO. 768,  
HOUSE BILL NO. 782,  
ENGROSSED HOUSE BILL NO. 933,  
ENGROSSED HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1210,  
ENGROSSED HOUSE BILL NO. 1263, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2308.

### SECOND READING

SENATE BILL NO. 2308, by Senators Day and Vognild:  
Revising laws relating to emergency medical services.

### MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2308 was substituted for Senate Bill No. 2308 and the substitute bill was placed on second reading and reading the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2308 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2308, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Pullen—1.

Excused: Senators Bottiger, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Concurrent Resolution No. 103,

### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 103, by Senators Wilson, Sellar, Talley and Hayner:

Making legislative determinations regarding proposed jail standards.

### MOTIONS

On motion of Senator Wilson, Substitute Senate Concurrent Resolution No. 103 was substituted for Senate Concurrent Resolution No. 103 and the substitute resolution was placed on second reading and read the second time in full.

On motion of Senator Jones, Senator Pullen was excused.

On motion of Senator Wilson, the following amendment was adopted:

On page 1, beginning on line 1, strike the entire resolution and insert the following:

"WHEREAS, The City and County Jails Act, chapter 70.48 RCW, established a state jail commission to promulgate certain standards for jails; and

WHEREAS, RCW 70.48.070 directs that the physical plant standards and certain mandatory custodial care standards be adopted upon approval by the governor and upon approval by the legislature; and

WHEREAS, RCW 70.48.070 provides that legislative approval may be given by a joint committee established by resolution for this purpose; and

WHEREAS, The physical plant standards have been proposed as new chapter 289-12 WAC, and the custodial care standards have been proposed as new chapters 289-16, 289-18, 289-20, 289-22, and 289-24 WAC; and

WHEREAS, Such proposals have been published in the August 10, 1978, edition of the Washington State Register as part of WSR 78-08-074;

NOW THEREFORE, BE IT RESOLVED, By the Senate, the House of Representatives concurring, That a joint legislative committee on jail standards is hereby created which shall consist of four members of the Senate appointed by the President of the Senate, no more than two of whom shall be of the same political party, and four members of the House of Representatives appointed by the Speakers thereof, no more than two of whom shall be of the same political party, and that the sole purpose of such committee shall be to consider and act upon the proposed jail standards and that the committee shall be dissolved once both physical plant and custodial care standards have been implemented."

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 103 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 103, and the resolution passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bottiger, Keefe, Pullen—3.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 103, having received the constitutional majority, was declared passed.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Concurrent Resolution No. 112.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Henry, Guess and Conner:

Enunciating a state transportation policy.

The resolution was read the second time in full.

On motion of Senator Conner, the rules were suspended, Senate Concurrent Resolution No. 112 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 112, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Fleming, Van Hollebeke—2.

Excused: Senators Bottiger, Keefe, Pullen—3.

SENATE CONCURRENT RESOLUTION NO. 112, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2451.

## SECOND READING

SENATE BILL NO. 2451, by Senator Goltz:

Relating to postsecondary education.

## MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2451 was substituted for Senate Bill No. 2451 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 2451 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2451 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—43.

Voting nay: Senators Jones, Newschwander, Wojahn—3.

Excused: Senators Bottiger, Keefe, Pullen—3.

SUBSTITUTE SENATE BILL NO. 2451, having received the constitutional 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 9:42 a.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 11:02 a.m.

#### MOTION

At 11:04 a.m., on motion of Senator Walgren, the Senate recessed until 12:10 p.m.

#### NOON SESSION

The President called the Senate to order at 12:10 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2993.

#### SECOND READING

SENATE BILL NO. 2993, by Senators Bottiger, Hayner, Lewis and Bausch: Revising laws relating to public utility districts.

#### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2993 was substituted for Senate Bill No. 2993 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, after line 21, insert a new section as follows:

"Sec. 3. Section 12, chapter 390, Laws of 1955 and RCW 54.16.110 are each amended to read as follows:

A district may sue in any court of competent jurisdiction, and may be sued in the county in which ((it)) its principal office is located or in which it owns or operates facilities. No suit for damages shall be maintained against a district except on a claim filed with the commission complying in all respects with the terms and requirements for claims for damages filed against cities of the second class."

On motion of Senator Bottiger, the following amendments to the title were adopted:

In the title, page 1, line 3, after ".010;" delete "and"

In the title, page 1, line 4, after ".070" insert "; and amending section 12, chapter 390, Laws of 1955 and RCW 54.16.110"

Senator Bottiger moved the rules be suspended, Engrossed Substitute Senate Bill No. 2993 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Lysen objected.

The President declared the question before the Senate to be the motion by Senator Bottiger.

The motion carried.

## POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, on page 3, there is a new language that says 'no public utility district created after the effective date of this 1979 act shall include any other public utility district within its boundaries, PROVIDED, That this paragraph shall not alter, amend or modify provisions of chapter 54.32'. Could you tell us what the reason for that is and as you are answering that, I wonder, are you saying there cannot be a statewide . . . does this preclude a countywide PUD such as King county taking in Seattle City Light or is this intended to prevent the formation of a statewide utility district which would include all the state, or what is the intention of this particular provision?"

Senator Bottiger: "Senator McDermott, as I understand it, the problem that arises is if you have a PUD district in existence and a new one is created, it could include that existing PUD district.

"Now I would have to candidly admit I did not hear a lot of testimony or discussion about that language other than the problem that arose when there was an existing PUD within the territory of a proposed new PUD. What do you do in that situation and nobody had an answer. So the solution they came up with said that the new PUD must exclude the territory in which the existing PUD has already been formed, which makes sense to me. We obviously don't want two sets of PUD lines running down the street and creating . . . I guess you would have a choice of who to serve, but we get back to the inefficiency of multiple utility service on a particular area."

Senator McDermott: "To go on with it then, and as I look at 54.32, it says it is consolidation and annexation . . . the right of a countywide utility district to acquire distribution properties and it seems as though you can acquire, and I do not understand why it should be written in here. Then you have a provision in the law which allows them to do precisely what it sounds like they are excluding. There must be some reason for that language that does not immediately meet the eye. I do not understand what it is."

Senator Bottiger: "From what you have told me on that other statute, I would presume then that it could go countywide with a new PUD like Metro, like a Metro situation, and include other small PUD's but not create one inside another or another that encompasses an existing one which would create the multiplicity of service."

Debate ensued.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I had that section marked also that Senator McDermott was asking you about. I do not propose holding the bill up but I would think you should check that out. I can see cases where you might have a sewer district, a water district, which are not authorized under public utility districts; they may want to include all of it in one, as Senator McDermott has suggested. Now there probably is an explanation why this is in here but it may be doing more harm than what we anticipate. I would urge it be checked before the House passes it."

Senator Bottiger: "Senator Rasmussen, I will see that the staff gets the full explanation. The history of it is that the private utilities came in with the first sentence. The public utilities said, 'We will agree to that if you will put the proviso in,' and it made sense to me when I was listening to them argue back and forth that that would be the case.

"Now the language says that a new PUD cannot surround or swallow up an existing one. 54.32 allows the expanding by merger or joining of other utilities, so you take several small ones and put them together, and the staff, which just handed

me a note, reminds me that that was the argument that was being used when the PUD's wanted that proviso in there so that they could still consolidate."

Further debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2993, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Hayner, Jones, Lee, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Rasmussen, Scott, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Woody—33.

Voting nay: Senators Conner, Goltz, Hansen, Lysen, McDermott, Odegaard, Ridder, Sellar, Shinpoch, Talley, Talmadge, Williams, Wilson, Wojahn—14.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mr. Mordekhai Artzieli, Consul General of Israel accompanied by Dr. and Mrs. Charles Kaplan and Mr. Sid Abrams and appointed Senators Wilson, Clarke, Wanamaker, Talley, Shinpoch, Guess, Talmadge, and McDermott as a committee of honor to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Consul General Artzieli to address the Senate.

The committee of honor escorted the honored guests to the office of the Lieutenant Governor and the committee was discharged.

### MOTION

At 12:45 p.m., on motion of Senator Walgren, the Senate recessed until 1:45 p.m.

### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3092.

### SECOND READING

SENATE BILL NO. 3092, by Senators Day, Scott and Talmadge:

Revising directives on child welfare service.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 3092 was advanced to third reading, the second 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. 3092, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Woody—42.

Absent or not voting: Senators Bluechel, Conner, Fleming, Ridder, Talley, Wojahn—6.

Excused: Senator Keefe—1.

SENATE BILL NO. 3092, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2010.

## SECOND READING

SENATE BILL NO. 2010, by Senator Bluechel:

Authorizing housing authorities to build mobile home parks for senior citizens.

## MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 2010 was substituted for Senate Bill No. 2010 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Jones, the rules were suspended, Substitute Senate Bill No. 2010 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2010, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 6; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Woody—36.

Voting nay: Senators Clarke, Jones, Matson, Newschwander, Rasmussen, Wanamaker—6.

Absent or not voting: Senators Conner, Donohue, Fleming, Ridder, Talley, Wojahn—6.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2010, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2016.

## SECOND READING

SENATE BILL NO. 2016, by Senator Rasmussen:

Prescribing penalties for unauthorized parking in spaces reserved for physically disabled.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2016 was substituted for Senate Bill No. 2016 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Senator Conner was excused.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2016 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Day: "Senator, how is it you get these good handicapped bills in your committee instead of in mine?"

Senator Rasmussen: "I suppose because I am sympathetic to the handicapped and so are you, but you had so many bills you could not get all of them out and they sent part of them over to my place."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2016, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Conner, Keefe—2.

SUBSTITUTE SENATE BILL NO. 2016, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 3128.

## SECOND READING

SENATE BILL NO. 3128, by Senator von Reichbauer:  
Compensating crime victims from profits of the criminal.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 3128 was substituted for Senate Bill No. 3128 and the substitute bill was placed on second reading and read the second time in full.

Senator von Reichbauer moved the following amendments be considered and adopted simultaneously:

On page 1, line 18, after "victim" insert ", or the family or dependents of a deceased victim,".

On page 1, line 20, after "victim," insert "or a family member or dependent of a deceased victim,".

## POINT OF INQUIRY

Senator Scott: "What is the cost of this amendment?"

Senator von Reichbauer: "There is no cost at all because the money that would be derived either by the victim of the crime of his heirs would come from the criminal who would benefit from his crime by publishing a book, movie or otherwise. There are no public funds involved."

The motion by Senator von Reichbauer carried and the amendments were adopted.

On motion of Senator von Reichbauer, Engrossed Substitute Senate Bill No. 3128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Goltz: "Senator von Reichbauer, how would the state of Washington have access to profits made, let us say from a movie made in California, if the crime were committed in the state of Washington? How do we have an arm long enough to reach for those profits to benefit the victims of crime in Washington?"

Senator von Reichbauer: "If, for example, we were to have a criminal in the state of Washington who committed his crime in the state or who was incarcerated in our jail system, the money that he might try to seek or his agent might seek would have to be put into this fund. Our arm extends, or course, as it would in any civil action of this nature. If the individual was arrested in the state of Washington, he was incarcerated in the state prison system, either in the appeal process or had been convicted, he could not receive any funds for his crime. Now we have no effect, obviously if the gentleman is in San Quentin or in any other state prison, but if the crime was committed here and he was involved in our prison system, we have control over that fund, and that fund would be restricted by the department of labor and industries."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3128, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senator Moore—1.

Absent or not voting: Senator Hansen—1.

Excused: Senators Conner, Keefe—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2040, by Senators Rasmussen and Conner:

Replacing the special parking decals for disabled persons with license plates.

### REPORT OF STANDING COMMITTEE

February 14, 1979.

SENATE BILL NO. 2040, replacing the special parking decals for disabled persons with license plates (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

ON page 2, line 16, after "chapter" strike all the material down to and including "renewal." on line 19 and insert "No special license plate shall be issued to a person who is temporarily disabled."

Signed by: Senators Henry, Chairman; Bluechel, Gallagher, Hansen, Lee, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment was adopted.

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 2040 was advanced to third reading, the second 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. 2040, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Conner, Keefe—2.

ENGROSSED SENATE BILL NO. 2040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2044, by Senators Lewis, Talley and Conner:

Authorizing golfing organizations to conduct golfing calcuttas under the gambling laws.

### REPORT OF STANDING COMMITTEE

February 21, 1979.

SENATE BILL NO. 2044, authorizing golfing organizations to conduct golfing calcuttas under the gambling laws (reported by Committee on Commerce):

Recommendation: Do pass with the following amendments:

On page 6, line 17, after "(10)" strike the material down to and including the period on line 30 and insert the following:

"The legislature hereby authorizes bona fide charitable or nonprofit golfing organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing calcuttas which are conducted only in the following manner:

(a) The outcome of the golfing calcutta is dependent on the score or the playing ability of the individual players or teams of players;

(b) Wagers are placed by purchasing players or teams of players through an auction conducted by the golfing organization sponsoring the golfing calcutta. Moneys raised from the auction shall be used only as winners' proceeds and to defray the expenses of the golfing calcutta;

(c) Participation is limited to members of the sponsoring organization and their bona fide guests; and

(d) Only bona fide members of the golfing organization, who are not paid for such services, may participate in the management or operation of the calcutta.

(11) The legislature hereby authorizes bona fide charitable or nonprofit gun club organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, gun calcuttas which are conducted only in the following manner:

(a) The outcome of the gun calcutta is dependent on the score or the playing ability of the individual participants or teams of participants;

(b) Wagers are placed by purchasing participants or teams of participants through an auction conducted by the gun club organization sponsoring the gun calcutta. Moneys raised from the auction shall be used only as winners' proceeds and to defray the expenses of the gun club calcutta;

(c) Participation is limited to members of the sponsoring organization and their bona fide guests; and

(d) Only bona fide members of the gun club organization, who are not paid for such services, may participate in the management or operation of the calcutta.

(12) The legislature hereby authorizes bona fide charitable or nonprofit tennis club organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, tennis calcutta which are conducted only in the following manner:

(a) The outcome of the tennis calcutta is dependent on the score or the playing ability of the individual participants or teams of participants;

(b) Wagers are placed by purchasing participants or teams of participants through an auction conducted by the tennis club organization sponsoring the tennis calcutta. Moneys raised from the auction shall be used only as winners' proceeds and to defray the expenses of the tennis club calcutta;

(c) Participation is limited to members of the sponsoring organization and their bona fide guests; and

(d) Only bona fide members of the tennis organization, who are not paid for such services, may participate in the management or operation of the calcutta."

On page 5, line 33, after "9.46.020" delete "~~((20) (a), (b), (c), and (d)))~~" and insert "(20) (a), (b), (c), and (d)"

On page 7, line 1, after "section," insert "gun calcuttas as described in subsection (11) of this section, tennis calcuttas as described in subsection (12) of this section,"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2044, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Pullen—1.

Excused: Senator Keefe—2.

ENGROSSED SENATE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2273, by Senators Talley, Sellar and Woody:

Modifying the provision for trust funds deposited with the clerk of the superior court.

### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2273 was substituted for Senate Bill No. 2273 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talley, the rules were suspended, Substitute Senate Bill No. 2273 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2273, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Donohue, McDermott, Shinpoch—3.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen served notice that he would, on the next working day, move for reconsideration of the vote by which Substitute Senate Bill No. 2273 passed the Senate.

Having voted on the prevailing side, Senator Talley moved the Senate immediately reconsider the vote by which Substitute Senate Bill No. 2273 passed the Senate.

The motion by Senator Talley carried.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2273 on reconsideration.

## MOTION

On motion of Senator Wilson, Substitute Senate Bill No. 2273 on final passage, on reconsideration, was ordered placed on today's second reading calendar following consideration of Senate Bill No. 2482.

## SECOND READING

SENATE BILL NO. 2396, by Senators Wilson, Matson, Donohue and Hayner:

Exempting certain intra-family transfers from the excise tax on real estate transfers.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 2396 was advanced to third reading, the second 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. 2396, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2396, having received the constitutional majority, 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. 2426, by Senators Bluechel, Rasmussen, Scott, Shinpoch and Woody (by Legislative Budget Committee request):

Mandating school districts and educational service districts to buy their liability insurance through the risk management office in the department of general administration.

## REPORT OF STANDING COMMITTEE

February 22, 1979.

SENATE BILL NO. 2426, mandating school districts and educational service districts to buy their liability insurance through the risk management office in the

department of general administration (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendments:

On page 2, line 7, after "Such" insert "liability"

On page 2, line 22, after "acts" insert a period

On page 2, line 23, strike "intended to personally benefit the perpetrator."

On page 2, beginning on line 24, insert "(4)"

On page 2, line 27 after "insurance" strike "with the prior approval of" and insert "after having notified"

On page 2, line 27, after "office" and before the period insert "of their intention to do so"

On page 2, beginning on line 29 insert a subsection as follows:

"(5) Two or more school districts or educational service districts by a joint powers agreement may pool their funds to provide and obtain insurance or bonds or cover the costs of risk management techniques, including but not limited to, self insurance and loss prevention.

The pooling of self insurance claims or losses among such districts shall not be considered insurance nor subject to regulation under the insurance codes of the State of Washington."

Renumber the remaining subsection consecutively.

On page 9, line 7, insert a new subsection as follows:

"(5) Incentives included in the risk management policies to foster favorable loss experiences in the school districts and educational service districts."

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bluechel, the committee amendments were adopted.

On motion of Senator Bluechel, the rules were suspended, Engrossed Senate Bill No. 2426 was advanced to third reading, the second 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. 2426, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Hayner—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2426, having received the constitutional majority, 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. 2482, by Senators Van Hollebeke, Odegaard and Wanamaker (by Department of Commerce and Economic Development request):

Revising laws regulating partnerships.

## MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2482 was substituted for Senate Bill No. 2482 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute Senate Bill No. 2482 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2482, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS  
THIRD READING

SUBSTITUTE SENATE BILL NO. 2273, by Committee on Local Government (originally sponsored by Senators Talley, Sellar and Woody):

Modifying the provisions for trust funds deposited with the clerk of the superior court.

## MOTION

Senator Rasmussen moved that Substitute Senate Bill No. 2273 be held for Monday, April 2, 1979 on reconsideration.

## POINT OF INFORMATION

Senator Wilson: "Before acting on this bill, may I ask the presiding officer if Substitute Senate Bill 2273, inasmuch as in part it relates to county general fund revenues and revenue-related matters, is excluded from the present cutoff, that if under these circumstances Substitute Senate Bill 2273 would be considered a revenue-related bill and could be considered following the cutoff?"

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The Chair's ruling is that this is revenue-related and could be considered on Monday. It is revenue-related."

The motion by Senator Rasmussen carried. Substitute Senate Bill No. 2273 on final passage, on reconsideration, was ordered held for Monday, April 2, 1979.

## SECOND READING

SENATE BILL NO. 2630, by Senators Lysen and Morrison (by Employment Security Department request):

Extending life of the Buena camp migrant housing facility, authorizing prescribed rental fees, and making an appropriation therefor.

### REPORT OF STANDING COMMITTEE

March 23, 1979.

SENATE BILL NO. 2630, extending life of the Buena camp migrant housing facility, authorizing prescribed rental fees, and making an appropriation therefor (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 29, strike all of Sec. 3 and insert:

"**NEW SECTION.** Sec. 3. There is appropriated to the employment security department from the general fund for the biennium ending June 30, 1979, the sum of twenty seven thousand five hundred and fifteen dollars, or so much thereof as may be necessary to carry out the purposes of this 1979 act: PROVIDED, That no more than sixteen thousand four hundred dollars may be used for capital improvements."

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison, Sellar.

The bill was read the second time by sections.

On motion of Senator Morrison, the committee amendment was adopted.

On motion of Senator Morrison, the rules were suspended, Engrossed Senate Bill No. 2630 was advanced to third reading, the second 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. 2630, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Scott—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2630, having received the constitutional majority, 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. 2666, by Senators Quigg, Bottiger and Guess:

Specifying rights and liabilities in public works contracts involving public utility lines.

### MOTIONS

On motion of Senator Quigg, Substitute Senate Bill No. 2666 was substituted for Senate Bill No. 2666 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Quigg, the following amendments were adopted:

On page 1, line 13, after "contractors" insert: "or excavators"

On page 1, line 15, after "contractors" insert: "or excavators"

On page 1, line 28, after "contractor" insert: "or excavator"

On page 2, line 13, after "contractor" insert: "or excavator"  
 On page 2, line 15, after "contractor" insert: "or excavator"  
 On page 2, line 22, after "contractor" insert: "or excavator"  
 On page 3, line 7, after "contractor" insert: "or excavator"  
 On page 3, line 10, after "contractor" insert: "or excavator"  
 On page 3, line 15, after "contractor" insert: "or excavator"  
 On page 3, line 17, after "contractor" insert: "or excavator"  
 On page 1, after line 16, insert:

"NEW SECTION. Sec. 2. The provisions of this chapter do not apply to owners of property containing a single family residence or property intended for the location of a single family residence who perform construction work on said property or who enter into contracts for the performance of construction work on said property: PROVIDED, That the foregoing exemption from the provisions of this chapter under no circumstances shall apply to contractors or excavators who perform such construction work."

Renumber subsequent sections consecutively.

On page 2, lines 2 and 3, strike "location information about the underground utility facilities" and after "provide" on line 2 insert "the best information available as to the location of the underground utility facilities"

On page 2, line 18, strike "with reasonable accuracy" and after "specifications" insert "in conformance with the best information available as to the location of such underground utility facilities"

On page 2, line 21, strike "with reasonable accuracy" and after "specifications" insert "in conformance with the best information available as to the location of such underground utility facilities"

On page 2, after line 27, insert

"(2) Prior to commencement of construction the contractor or excavator shall provide notice of such scheduled commencement to all affected utilities either collectively through a one-number locater service where available or individually. Such notice shall provide sufficient lead time to allow the utilities to physically mark the locations of the underground utility facilities at the construction site, but in no event shall such notice be communicated to the affected utilities less than forty-eight hours prior to the scheduled date for commencement of construction."

Renumber subsequent subsection consecutively.

Senator Quigg moved the following amendments be considered and adopted simultaneously:

On page 3, line 19 after "utility facilities" insert "and as a result of a failure to exercise reasonable care"

On page 3, lines 20 and 21, strike "and with a knowing, wilful disregard for the existence and location of those facilities"

On page 3, line 22, strike "triple" and insert "treble"

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Quigg, how do you enforce this treble damages? Are you required to go to court to get the judgment?"

Senator Quigg: "Yes, sir, I imagine, particularly in your case in Tacoma right now, in your neck of the woods anyway, there is a case where the city of Tacoma, using information it got, I believe from the gas company, mislocated a line on their location in the street and the offset was exactly the opposite of what was shown on the marking. The contractor went to make an excavation in a clear area for another line and ended up digging up an existing line, hitting it right dead on, causing an interruption in service and causing the contractor and the city to both back off from the project, and compounding that service interruption, while the litigation began to find out just who was responsible for the dig up.

"I think that probably in your neck of the woods indicates as well as any the need for this kind of legislation that would make a contractor very, very careful, and also the person laying out that work could see that the work was laid out as best as possible and then executed with the best care that they can provide so that those dig ups be avoided and that service be maintained."

Senator Rasmussen: "Thank you."

The motion by Senator Quigg carried and the amendments were adopted.

#### POINT OF INQUIRY

Senator Wilson: "Senator Quigg, with respect to the amendment, the forty-eight hour notice amendment. The wording, it would appear to me, would permit a careless contractor to notify the utility late Friday afternoon. The forty-eight hours would extend over Saturday and Sunday, and Monday morning he could be at work."

Senator Quigg: "The present provisions are for a twenty-four hour notice and this extends that time out. I might also add, Senator Wilson, that this legislation would provide a pre-construction conference with the owner and the utilities people, so you are talking about a much more thorough pre-construction notification system than we are operating under now and that contractor, should he attempt to begin work beforehand and use this kind of a device that you are talking about to dig up utilities, I think he would find himself certainly not exercising reasonable care, if that was his intent to dig up the facilities. I would think he would be in deep trouble."

Senator Wilson: "You don't see any problem with that?"

Senator Quigg: "I see no problem with that."

#### POINT OF INQUIRY

Senator Pullen: "Senator Quigg, I am worried about the possible impact of this law on small cities and towns. What happens if a contractor fails to notify a city, for example, that he is going to dig in a certain area and then a utility line is dug up and damaged. What protection is there in here for the city and small towns?"

Senator Quigg: "Those protections are in the law presently. This does not speak to that situation where a contractor on his own digs up an underground utility. This law, for your situation, this is already in law and the contractor is responsible, so he is already in deep trouble at that stage presently."

#### REMARKS BY SENATOR GUESS

Senator Guess: "If I could add to that. Most all ordinances require that the permit be obtained and I do not know of any small town that already does not have the law that requires that the excavator has to get a permit, so I think it is taken in its stride."

On motion of Senator Quigg, the following amendment was adopted:

On page 3, after line 22, insert:

"NEW SECTION, Sec. 5. The Washington State Utility Coordinating Council shall evaluate the effectiveness of the provisions of the act in carrying out the intent of the legislature and the Council shall report its findings along with any recommended amendments to the 1981 legislature."

Renummer subsequent sections consecutively.

On motion of Senator Quigg, the rules were suspended, Engrossed Substitute Senate Bill No. 2666 was advanced to third reading, the second reading considered 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. 2666, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wojahn, Woody—43.

Voting nay: Senators Lysen, Pullen, Talmadge, Williams, Wilson—5.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2666, having received the constitutional majority, 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. 2676, by Senators Wojahn, Gould and Rasmussen:

Requiring the preparation, filing, and distribution of notice of the economic impact of proposed agency rule making.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2676 was substituted for Senate Bill No. 2676 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 2676 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Rasmussen, I notice on the last page of the bill, page 5, there are some repealers. One of the repealers is 43.21H.030 which says, 'Nothing in this chapter shall in any way affect the specific statutory obligations of any agency: (1) To comply with environmental, social, health, safety, or other standards practice prescribed by law;'. Is there any part of this bill that is allowing state agencies to come out from under environmental impact statements or other parts of the law which affect the rest of the society?"

Senator Rasmussen: "No, Senator McDermott. If you will look on page 4, it specifically refers to it . . . 'an economic impact statement is required pursuant to current section 2 of this 1979 act'. This will make it part of the act that they have to give the economic impact along with the regular environmental impact that they file or a rule or regulation relating to that."

Senator McDermott: "Why are you repealing these particular sections of the law?"

Senator Rasmussen: "We are repealing the 1976 law and reinstituting it in this fashion. As you note that there are several new sections in here."

Senator McDermott: "It is a little bit hard to understand why we pass a law one year and then repeal it the next, isn't it?"

Senator Rasmussen: "1976 was some time ago."

Senator McDermott: "Oh yes, quite awhile ago. Yes."

## REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President, in response to Senator McDermott, I think on your digest that is explained and there is a need for this bill because we cannot enforce the 1976 act because of an informal attorney general's decision and therefore this will plug that. It is a good bill."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2676, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2676, having received the constitutional majority, 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. 2735, by Senators von Reichbauer and Rasmussen: Requiring radio communication equipment on trains.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2735 was substituted for Senate Bill No. 2735 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 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 Substitute Senate Bill No. 2735, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lee, Lysen, Marsh, McDermott, Moore, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn, Woody—33.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lewis, Matson, Morrison, North, Scott, Wanamaker, Wilson—15.

Excused: Senator Keefe—1.

SUBSTITUTE 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.

## SECOND READING

SENATE BILL NO. 2744, by Senators Goltz, Shinpoch and Benitz:

Implementing law relating to state student financial aid program and making additional appropriation therefor.

### MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2744 was substituted for Senate Bill No. 2744 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 2744 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2744, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Walgren—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2744, having received the constitutional majority, 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. 2763, by Senators Talley, Jones and Gallagher:

Increasing the period for which judgments are effective and permitting revival of judgments.

### REPORT OF STANDING COMMITTEE

February 21, 1979.

SENATE BILL NO. 2763, increasing the period for which judgments are effective and permitting revival of judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, after "provided")" strike all the material down through and including "act" on page 2, line 2.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendment was adopted.

Senator Van Hollebeke moved adoption of the following amendment:

On page 2, beginning on line 6, add a new section to read as follows:

"Sec. 3. Section 1, chapter 80, Laws of 1899 and RCW 19.52.010 are each amended to read as follows:

Every loan or forbearance of money, goods, or thing in action shall bear interest at the rate of ((six)) eight percent per annum where no different rate is agreed to in writing between the parties. The discounting of commercial paper, where the borrower makes himself liable as maker, guarantor or indorser, shall be considered as a loan for the purposes of this ((act)) section."

## POINT OF ORDER

Senator Clarke: "Mr. President, the amendment may be perfectly all right but it is beyond the scope and object of this particular bill. I think this is an improper place. We have not had an opportunity to consider it. For that reason, I raise the question of scope and object."

## RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The bill refers to time limits on judgments, when they will be effective. I see nothing in the bill that has anything to do with interest rates. Therefore, Senator Clarke, your Point of Order is well taken. The amendment is beyond the scope and object."

The amendment was ruled out of order.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2763 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2763, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent or not voting, 4; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Gould, Guess, Henry, Jones, Lewis, Marsh, Moore, Morrison, Newschwander, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Wanamaker, Wojahn—32.

Voting nay: Senators Goltz, Hansen, Hayner, Lee, Lysen, McDermott, North, Rasmussen, Vognild, Williams, Wilson, Woody—12.

Absent or not voting: Senators Bottiger, Matson, Odegaard, Walgren—4.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2763, having received the constitutional majority, 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. 2771, by Senators Lysen, Goltz and Shinpoch:

Providing for civil immunity for persons who give elected officials information on matters affecting the public.

## MOTIONS

On motion of Senator Lysen, Substitute Senate Bill No. 2771 was substituted for Senate Bill No. 2771 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lysen, the rules were suspended, Substitute Senate Bill No. 2771 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Guess: "Senator Clarke, many times when a contractor has a contract and has prequalified with an agency, would this law in any way permit a person who

is not actually involved in the administration of the contract to reveal the information to a party on the outside not a party to the contract?"

Senator Clarke: "Senator, I do not believe that that would be so because, number one, if under present law there is no requirement to disclose that information, the section I have just read specifically states that it will not change in any way the present law with respect to mandatory disclosure. And also, there is a provision in here which specifically provides that immunity under this section shall not apply to disclosure of trade secrets of a business entity. So I think the safeguards are pretty well included."

Senator Guess: "Thank you very much, Senator Clarke."

#### REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate, I would concur in the remarks of Senator Clarke and point out an additional benefit to this bill. That is where many of us have had opportunities to discuss problems with various agencies with employees of those governmental agencies and this would provide an immunity against firing by those governmental agencies so that freer conversation with legislators could take place and I believe that is an additional benefit to this bill."

#### POINT OF INQUIRY

Senator Henry: "Did I understand you to say that this immunity would apply to those who voluntarily gave information as to the breaking of a law?"

Senator Clarke: "That is my impression, yes. It says, a violation of any law, rule or regulation . . . so that if they voluntarily give that information it does not in any way obligate them so to do, but if they wish voluntarily to do so, they are relieved of civil liability as a result of such disclosure."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2771, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Hansen—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2771, having received the constitutional majority, 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. 2860, by Senators Talley, Jones and Marsh:  
Redefining income from employment of a retired judge.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2860 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2860 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Scott, Sellar, Shinpoch, Wanamaker, Wilson, Wojahn—20.

Absent or not voting: Senator Jones—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2860, having received the constitutional majority, was declared passed. 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, all measures passed by the Senate today were ordered immediately transmitted to the House.

## MOTION

At 3:37 p.m., on motion of Senator Walgren, the Senate recessed until 4:30 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 4:30 p.m.

## MOTIONS

On motion of Senator Wilson, Senator Bausch was excused.

On motion of Senator Jones, Senator Scott was excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2921.

## SECOND READING

SENATE BILL NO. 2921, by Senators Gaspard and Wanamaker:

Authorizing family farm permits for each member of a marital community.

The bill was read the second time by sections.

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 2921 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Benitz: "What is the required percentage of votes for this to be effective?"

Senator Gaspard: "Thank you, Senator Benitz. I was just going to bring that up. Because we are amending an initiative within the two-year period it would require a two-thirds vote from this body."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2921, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent or not voting, 1; excused, 3.

Voting yea: Senators Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Benitz, Fleming, Lee, North, Sellar, Shinpoch—6.

Absent or not voting: Senator Henry—1.

Excused: Senators Bausch, Keefe, Scott—3.

SENATE BILL NO. 2921, 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 Marsh, Senate Bill No. 3014 was rereferred to the Committee on Rules from today's second reading calendar.

## SECOND READING

SENATE BILL NO. 3022, by Senators Lee, Talley and North:

Establishing new procedures for local government disposition of found and unclaimed personal property.

## MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 3022 was substituted for Senate Bill No. 3022 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 3022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3022, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Keefe, Scott—3.

SUBSTITUTE SENATE BILL NO. 3022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 106, by Senators Wojahn, Newschwander, Bottiger, Rasmussen, Gaspard and Gallagher:

Requesting federal aid for the Milwaukee Railroad.

The memorial was read the second time in full.

On motion of Senator Wojahn, the following amendment was adopted:

On page 1, line 28, after "Railroad" strike all the matter down through "winner" on line 20.

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Joint Memorial No. 106 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 106 and the memorial passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Clarke, Gould, Jones, Lee, Lewis, Matson, Sellar—7.

Excused: Senators Bausch, Keefe, Scott—3.

ENGROSSED SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

### SECOND READING

SENATE BILL NO. 2012, by Senators Rasmussen and Conner:  
Increasing jury fees.

### REPORT OF STANDING COMMITTEE

February 21, 1979.

SENATE BILL NO. 2012, increasing jury fees (reported by Judiciary Committee):

Recommendation: Do pass with the following amendments:

On page 1, line 25, after "Section" strike all the material down to and including "1979" on line 26 and insert "35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 248, Laws of 1977 1st ex. sess."

On page 1, line 4, strike all the material through and including "1979" and insert "35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 248, Laws of 1977 1st ex. sess."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

Senator Marsh moved the rules be suspended, Engrossed Senate Bill No. 2012 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Guess objected.

The President declared the question before the Senate to be the motion by Senator Marsh that Engrossed Senate Bill No. 2012 be advanced to third reading and final passage.

The motion by Senator Marsh carried.

The President declared Engrossed Senate Bill No. 2012 to be on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Senator Marsh, as I am sure you are aware, at the session two years ago, we passed by unanimous vote in this body a local government fiscal note bill which means that any legislator or any committee could put in a request for a fiscal impact with respect to bills which are going to have an impact on local government. My question is whether the judiciary committee requested such a note on this bill."

Senator Marsh: "No, the judiciary committee did not request a fiscal note on this bill. Senator Rasmussen, who is a well known conservative body, appeared before the committee and was very persuasive. He pleaded very eloquently the cause of jurors and the need to increase their compensation to twenty five dollars a day and we went along with his eloquence and plea.

"I think this is a bill that provides justice for those who have to serve as jurors and have the privilege of serving as jurors and I hope you will join us in supporting the bill."

Further debate ensued.

#### MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2012, on third reading, was ordered placed on today's calendar following consideration of Senate Bill No. 2060.

#### MOTION

On motion of Senator Walgren, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 29, 1979.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 19, by Representatives Polk and King:

Amending House Concurrent Resolution No. 17.

#### MOTIONS

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 19 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the following amendment by Senators Walgren and Odegaard was adopted:

On line 1 insert the following:

"BE IT RESOLVED, By the House of Representatives, the Senate concurring, that the provisions of House Concurrent Resolution No. 17 be amended to read as follows:"

Senator Walgren moved the following amendments by Senators Walgren and Odegaard be considered and adopted simultaneously:

On line 15, after "appropriation-related measures," insert "redistricting measures,"

On line 20, after "appropriation-related measures," insert "redistricting measures,"

Debate ensued.

Senators Talley, Walgren and Day demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be adoption of the amendments by Senators Walgren and Odegaard.

Senator Walgren demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendments by Senators Walgren and Odegaard.

#### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Benitz, Guess, Matson, Morrison, North—5.

Absent or not voting: Senator Henry—1.

Excused: Senators Bausch, Keefe—2.

#### MOTION

On motion of Senator Walgren, the rules were suspended, House Concurrent Resolution No. 19, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Senator Walgren demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 19, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 19, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 28; nays 19; excused. 2.

Voting yea: Senators Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—28.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Quigg, Scott, Sellar, Wanamaker—19.

Excused: Senators Bausch, Keefe—2.

HOUSE CONCURRENT RESOLUTION NO. 19, as amended by the Senate, having received the constitutional majority, was declared passed.

**MOTION**

At 5:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Friday, March 30, 1979.

**JOHN A. CHERBERG, President of the Senate.**

**SIDNEY R. SNYDER, Secretary of the Senate.**

## TENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Friday, March 30, 1979.

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 Keefe, Newschwander, Scott and Sellar. On motion of Senator Wilson, Senator Keefe was excused. On motion of Senator Wanamaker, Senator Newschwander was excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Jeff Sunadolnik and Sue McCarthy, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"WE BRING YOU SPECIAL PRAISE AND THANKS TODAY, DEAR FATHER, THAT YOU HAVE HELPED US THROUGH ANOTHER WEEK—THROUGH ITS POSITIVE ACCOMPLISHMENTS AS WELL AS THROUGH ITS FRUSTRATION; THROUGH ITS ECSTASY AS WELL AS THROUGH ITS AGONY. SINCE YOU DO HOLD US ACCOUNTABLE FOR THE WAY WE USE OUR TIME AND OUR POTENTIAL FOR SERVICE, PLEASE HELP US HONESTLY AND PERCEPTIVELY TO REVIEW WHAT WE HAVE AND HAVE NOT ACCOMPLISHED THIS PAST WEEK: AND HELP US WITH WISDOM AND ALACRITY TO PREVIEW THAT WHICH STILL NEEDS TO BE DONE IN THIS SESSION. RAISE THE LEVEL OF OUR AWARENESS, BOTH OF OUR LIMITATIONS AND OUR CAPABILITIES SO WE MAY BOTH PLAN AND IMPLEMENT WELL, LEGISLATION THAT WILL TRULY BE A CREDIT TO YOU AND YOUR NAME AND OF OPTIMUM BENEFIT TO THE PEOPLE WE REPRESENT AND SERVE. WE DIRECT OUR PRAISE, THANKS AND PETITIONS TO YOU IN THE NAME OF JESUS. AMEN."

### MOTION

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

March 28, 1979.

SENATE BILL NO. 2381, revising superior court clerks' fees (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2381 be substituted therefor, and that Substitute Senate Bill No. 2381 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 2579, protecting children from exploitation through prostitution or pornography (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2579 be substituted therefor, and that Substitute Senate Bill No. 2579 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 28, 1979.

SENATE BILL NO. 2850, regulating floating home moorages (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2850 be substituted therefor, and that Substitute Senate Bill No. 2850 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

March 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 352, establishing procedures for termination of parent-child relationships (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 29, 1979.

Mr. President: The House has passed: SUBSTITUTE HOUSE BILL NO. 438, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 29, 1979.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 22,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 446,  
SUBSTITUTE HOUSE BILL NO. 471,  
SUBSTITUTE HOUSE BILL NO. 498,  
SUBSTITUTE HOUSE BILL NO. 500,  
HOUSE BILL NO. 514,  
SUBSTITUTE HOUSE BILL NO. 515,  
SUBSTITUTE HOUSE BILL NO. 535,  
HOUSE BILL NO. 537,  
HOUSE BILL NO. 540,  
SUBSTITUTE HOUSE BILL NO. 615,  
HOUSE BILL NO. 638,  
SUBSTITUTE HOUSE BILL NO. 639,  
SUBSTITUTE HOUSE BILL NO. 644,  
ENGROSSED HOUSE BILL NO. 645,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1121, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 29, 1979.

Mr. President: The House has passed:

HOUSE BILL NO. 58,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 103,  
SUBSTITUTE HOUSE BILL NO. 311,  
ENGROSSED HOUSE BILL NO. 338,

ENGROSSED HOUSE BILL NO. 571,  
ENGROSSED HOUSE BILL NO. 862, and the same are herewith  
transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2060.

### SECOND READING

SENATE BILL NO. 2060, by Senator Hansen:

Revising laws relating to health officers.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2060 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Wilson: "Senator Day, among other things, would this bill permit the local health officer to issue copies of death certificates?"

Senator Day: "Yes, I believe that is the purpose of the bill. However, I could defer to Senator Hansen who is the prime sponsor and found the necessity for such a bill."

### REMARKS BY SENATOR HANSEN

Senator Hansen: "At the present time it takes from thirty to sixty days for these cities and counties to go through vital statistics to get a death certificate or a birth certificate. This would allow a local registrar in the health department to issue these certificates and I think this is the right route to go and I urge your support."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2060, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Matson, Sellar—2.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2060, having received the constitutional majority, was declared passed. 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, Senate Bill No. 2012, on third reading, will be considered following Senate Bill No. 2430.

## SECOND READING

SENATE BILL NO. 2154, by Senators Goltz and Benitz:

Limiting use of funds received for community college military programs.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 2154 was advanced to third reading, the second 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. 2154 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Sellar—1.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2154, having received the constitutional majority, 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. 2175, by Senators Woody, Walgren, Clarke, Marsh, Jones and Bottiger:

Adding the chief of the state patrol and a citizen member to the criminal justice commission.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2175 was advanced to third reading, the second 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. 2175, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2175, having received the constitutional majority, 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. 2235, by Senators Fleming, McDermott, Talmadge and Wojahn:

Making January 15th a school holiday, Human Relations Day, being the anniversary of the birth of Martin Luther King, Jr.

The bill was read the second time by sections.

Senator Lysen moved adoption of the following amendment by Senators Lysen and Fleming:

On page 1, line 13, after "January," strike "commonly known as Human Relations Day,"

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Mr. President, perhaps the question is premature while we are discussing the amendment, but I would like to ask Senator Lysen if he could tell me what the fiscal impact of another holiday so shortly after the two weeks that the youngsters have been off for the Christmas holidays, if he has had a fiscal note to determine the price of having a day in the middle of January."

Senator Lysen: "Thank you, Senator Guess. I guess my response would be that I don't think you can make a fiscal note on the question of setting officially in the school holiday a symbol for young people of an American who has made a contribution."

Senator Guess: "You did not answer my question, Senator Lysen, I asked you a question of the fiscal note. You can separate emotions from fiscal. I am sure that anyone who has your acumen in the field of finance would certainly be able to tell me how much the cost of the teachers and the students being off from work and having to extend the school year by another day is going to be."

Senator Lysen: "Senator Guess, I have to humbly stand here and say that I don't measure up to yourself in that area. I would like to defer the question to Senator Fleming, however,"

Senator Guess: "Senator Fleming, could you tell me what the cost would be?"

Senator Fleming: "Senator Guess, I think we discussed this matter one other time several years ago when we passed this measure. This is a calendar shift in terms of one just as they are doing in Seattle when they had to be out of school because of the strike. They are making the day up, so it will be a shift of one day on the end of the school year rather than the day in January."

Senator Guess: "Senator Fleming, I would invite your attention to the copy . . . 390 in the manual . . ."

Senator Fleming: "I have it."

Senator Guess: "It says, beginning on line 10, 'the following are school holidays and the school shall not be taught these days'. Now it does not say anything about extending it. They do not extend the holidays for Washington's birthday, do they?"

Senator Fleming: "Senator Guess, the city of Seattle right now, and many of the parochial schools in Western Washington, have Martin Luther King's birthday as a school holiday. The school district of Seattle is still in attendance one hundred and eighty school days."

Senator Guess: "That is a different situation though, Senator. This says that schools shall not be taught on that day."

Senator Fleming: "It is not being taught on January 15 in the Seattle school district and they are still putting in one hundred and eighty days, none less or none more. That is what I am trying to explain to you. They are doing it presently now."

Senator Guess: "But that is their business. Here we are, we are dictating that they are going to have to put . . . I understand that Senator Donohue might have some figures on that."

#### POINT OF ORDER

Senator Lysen: "I think that the discussion going on here is not pertinent to the amendment."

Senator Fleming: "Senator Guess, since I have the floor and was answering a question, it is my understanding with the school people, the WEA and others that are supporting this measure, that it would be handled the same way as it is in Seattle. It would not be any additional dollars. As a matter of fact, it might even save dollars because you will not have as much heat to use in June as you would in January."

#### REMARKS BY SENATOR DONOHUE

Senator Donohue: "Senator Fleming, that may be correct. I think, Senator Guess, the answer to the question would be, the way I read the bill, I believe that the law provides that we must have one hundred and eighty days of school. I think if you take away a day in January, you would have to add that day on. As far as teachers' salaries are concerned, they are paid on an annual basis, so I think the cost would probably be reflected mainly in maintenance and heat and that type of thing on that particular day."

#### RULING BY THE PRESIDENT

President Cherberg: "In ruling on the Point of Order presented by Senator Lysen, the President believes that the question is in order. Senator Guess, the President ruled that your question was in order."

#### POINT OF INQUIRY

Senator Guess: "Senator Donohue, going on down into the bill, it says, 'PROVIDED, That no reduction from a teacher's time or salary shall be made by the reason of the fact that a school day happens to be on one of the days referred to in this section as a day which school shall not be taught'. All right. You are going to have to pay them then for that day."

Senator Donohue: "If I remember a previous discussion and I do not remember whether this was . . . it has been sometime ago, but I think I am correct in the fact that that teacher is being paid on an annual basis for so many working days. The money is distributed to him over a twelve-month period. So it would be my judgment, and I could be wrong, but it would be my judgment that he is going to be paid for one hundred and eighty working days whether it is one off in January or added on in June or July or whatever."

Senator Guess: "Senator, they are going to pay him but they are not going to teach. That is the point of my argument. I cannot remember how long ago it was that Mr. Lemon was here as the representative for the Spokane Chronicle and there was an amendment on the floor to put an extra holiday in for something else, I do not know what it was, and they went down and ran a fiscal note and it was going to cost about five million dollars and Mr. Lemon has been gone from here for about seven or eight years, so inflation, the cost is going to be at least ten million dollars."

## REMARKS BY SENATOR FLEMING

Senator Fleming: "Senator Guess is good at doing this kind of thing and getting up on the floor and trying to run up a red flag. You are talking about a state holiday. Now if you want to change it and make a state holiday and the Senate is willing to go along with it, I will go along with you. But we are talking about a school holiday and the fact that you talked about, you stood up on this floor eight years ago and you mentioned that same thing and we corrected you then, that it was a state holiday that you were talking about and not a school holiday."

## REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate, I would like to point out for Senator Guess that this law amends one section of the RCW's which relate to RCW 28A.02.061 which relates to school holidays. It has nothing to do with RCW 28A.01.020 which relates to the school year, and let me read that to you. 'The school year shall begin on the first day of September and end on the last day of August' and it has been amended since, so it will be strictly a calendar situation for local districts to negotiate."

The motion by Senator Lysen carried and the amendment by Senators Lysen and Fleming was adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 2235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Woody: "Would Senator McDermott respond to a question, please?" Senator McDermott, as chairman of the Senate education committee and as a co-sponsor of this bill, could you help us clarify the proviso on line 23? My question concerns the one hundred and eighty day requirement. Will this bill result in one hundred and seventy-nine days or one hundred and eighty days as a teaching requirement?"

Senator McDermott: "Senator Gaspard already referred to the section in the law which says the school year is required to be one hundred and eighty days and that the holidays are outside of that. This merely would mean a shift of one day back in the school year to be negotiated by the school board and teachers."

Senator Woody: "This would not require an additional day's holiday pay, since we are talking about an annual salary, right?"

Senator McDermott: "That is correct. Senator Donohue is correct. The teachers are paid on an annual salary and this does not require any additional pay. There will be no fiscal impact to this bill."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2235, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Marsh, McDermott, Moore, North, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wilson, Wojahn, Woody—22.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Guess, Hansen, Jones, Lee, Lewis, Lysen, Matson, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, von Reichbauer, Wanamaker—23.

Absent or not voting: Senators Hayner, Henry—2.

Excused: Senators Keefe, Newschwander—2.

ENGROSSED SENATE BILL NO. 2235, having failed to receive the constitutional majority, was declared lost.

### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Lysen served notice that he would, at the proper time, move for reconsideration of the vote by which Engrossed Senate Bill No. 2235 failed to pass the Senate.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2358.

### SECOND READING

SENATE BILL NO. 2358, by Senators Woody, Jones, Wojahn, Clarke, Talmadge and Hayner:  
Standardizing election procedures for judicial office.

### MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2358 was substituted for Senate Bill No. 2358 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2358 was advanced to third reading; the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Wilson: "Senator Woody, as far as I can make out from the digest, justices of the supreme court and appeals court judges and so forth, if no more than one candidate has filed, then there will not be a primary and they will go directly on the general election. Is that correct?"

Senator Woody: "That is correct."

Senator Wilson: "Now with respect to the district court judges, if a candidate achieves a majority in the primary, then only that candidate's name appears on the general election ballot. My question is, does that aspect make this uniform with respect to the election of judges at other levels?"

Senator Woody: "Yes, it does, Senator Wilson, and that was the thrust of this bill, to create some judicial election uniformity."

### MOTION

On motion of Senator Lewis, Substitute Senate Bill No. 2358, on third reading, was ordered held for further consideration following Senate Bill No. 2408.

### SECOND READING

SENATE BILL NO. 2367, by Senators Peterson, Talley and Quigg:  
Revising laws relating to use of certain areas for aquaculture.

## REPORT OF STANDING COMMITTEE

February 6, 1979.

SENATE BILL NO. 2367, revising laws relating to use of certain areas for aquaculture (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, after "except" strike "harbor areas" and insert "as prohibited by Article XV, section 1 of the Washington State Constitution"

Signed by: Senators Peterson, Chairman; Lee, Quigg, Rasmussen, Talley, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendment was adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2367 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Peterson, there have been several bills before your committee, Senate Bill 2364 and House Bill 189 as a companion bill, that have to do with the dispute between DNR and the Kitsap county commissioners over the issuance of a clam dredging license at Agate Pass.

"I understand from reading this bill, I am not sure where these harbor areas are, so I would like you to tell us where it is that the department is considering issuing leases because I do not think that we ought to be involving ourselves in the business that is going on up in Kitsap county on this issue. I would like to be sure that this is not relative to that Kitsap county case which is before the hearing examiner of the shorelines hearing board."

Senator Peterson: "Senator, this excludes harbor lines. It does not take in harbor lines. It is exclusive of harbor lines, so in my judgment it would have no bearing. It is a separate issue. It is offshore of harbor lines."

Senator McDermott: "But I guess my question is, does this give them the ability to issue permits excluding any of the present state laws? For instance, SEPA or Shorelines Management Act? Does it reach beyond those laws or around those laws in any way?"

Senator Peterson: "Not to my knowledge. That was the purpose of the committee amendment. It goes into all navigable tidal waters but it does not go into harbor line area."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2367, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Matson, Quigg, von Reichbauer—3.

Excused: Senators Keefe, Newschwander—2.

ENGROSSED SENATE BILL NO. 2367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2408, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

Authorizing the director of financial management to evaluate and satisfy certain sundry claims against the state.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2408 was advanced to third reading, the second 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. 2408, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Conner, Quigg—2.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2412, by Senators Rasmussen, Shinpoch and Newschwander (by Office of Financial Management request):

Modifying procedures for payment of travel expenses of state employees.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2412 was advanced to third reading, the second 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. 2412, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Quigg—1.

Excused: Senators Keefe, Newschwander—2.

SENATE BILL NO. 2412, having received the constitutional majority, 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. 2420, by Senators Lysen and Pullen:

Prohibiting certain terms in employment agreements relating to inventions by employees.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2420 was substituted for Senate Bill No. 2420 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Morrison, the rules were suspended, Substitute Senate Bill No. 2420 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2420, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senator Bluechel—1.

Absent or not voting: Senators Sellar, Talley—2.

Excused: Senators Keefe, Newschwander—2.

SUBSTITUTE SENATE BILL NO. 2420, having received the constitutional majority, 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. 2429, by Senators Lysen, Moore, Vognild and Morrison:

Clarifying administrative provisions of the public employment relations commission.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

SENATE BILL NO. 2429, clarifying administrative provisions of the public employment relations commission (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 30, strike "1986" and insert "1985"

On page 2, line 33, after "shall" strike everything to and including "amended," on page 3, line 2, and insert: "be paid ((fifty dollars for each day in which he has actually attended a meeting of the commission officially held)) seventy-five dollars"

On page 3, line 5, strike everything down to and including "((for" on line 6 and insert: "((The members of the commission may receive any number of daily payments for"

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

The bill was read the second time by sections.

On motion of Senator Lysen, the committee amendments were adopted.

On motion of Senator Lysen, the rules were suspended, Engrossed Senate Bill No. 2429 was advanced to third reading, the second 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. 2429, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Matson—1.

Excused: Senators Keefe, Newschwander—2.

ENGROSSED SENATE BILL NO. 2429, having received the constitutional majority, 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. 2430, by Senators Lysen, Moore, Vognild and Morrison: Removing transcription requirement for hearings of the public employment commission.

The bill was read the second time by sections.

On motion of Senator Morrison, the rules were suspended, Senate Bill No. 2430 was advanced to third reading, the second 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. 2430, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Wilson, Engrossed Substitute Senate Bill No. 2012, on third reading, was ordered placed at the beginning of the calendar for Monday, April 2, 1979.

### SECOND READING

SENATE BILL NO. 2454, by Senator Woody:  
Relating to elections.

## MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 2454 was substituted for Senate Bill No. 2454 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 2454 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Goltz: "Would Senator Pullen yield to a question? I think I really have two questions. The first one is, do the county officers or the county association members support this bill?"

Senator Pullen: "Yes."

Senator Goltz: "The second question is, is there a fiscal impact on local government relative to the increased responsibilities of county auditors and cities and towns?"

Senator Pullen: "If so, there would be a very minor one. I think Senator Lewis has a suggestion in that regard."

## REMARKS BY SENATOR LEWIS

Senator Lewis: "Mr. President and Senator Goltz, I think the only fiscal impact would be the requirement was put in that registrars' locations be identified. And we left it up to local jurisdictions how they might identify, but that would be rather minimal, we suspect."

## POINT OF INQUIRY

Senator Wilson: "Senator, I missed part of the last exchange, but with respect to fiscal impact on local government, this bill deletes certain subsidies aimed at helping to convert systems, automatic voting systems, automated voter systems. Now, can you tell me what counties are being deprived of what funds under this provision in the bill?"

Senator Pullen: "Senator Wilson, you are talking about the subsidies to counties for the establishment of automated voter registration systems. None of them are deprived of funds because they have already been established in all the counties."

Senator Wilson: "Then why does it retain a subsidy for counties with less than 10,000 registered voters?"

Senator Pullen: "That is for maintenance, Senator Wilson."

Senator Wilson: "The larger counties will now pay for their maintenance but the smaller counties will be subsidized in that respect?"

Senator Pullen: "My understanding is that that is essentially correct, and as far as the larger counties are concerned, that it is no problem for them and that this was intended to be of some benefit to the smaller counties."

## REMARKS BY SENATOR LEWIS

Senator Lewis: "Senator Wilson, just as a matter of reassurance, we had bipartisan work sessions with the counties' election officials in attendance and participating, as well as the secretary of state's office, and staff members, and the county officials and county auditor were in attendance and did agree these technical changes are minimal and they were very happy with them."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2454, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senator Conner—1.

Absent or not voting: Senator Matson—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2467.

## SECOND READING

SENATE BILL NO. 2467, by Senators Walgren, Marsh and Clarke:

Penalizing the act of driving with a suspended or revoked out-of-state driver's license.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Senate Bill No. 2467 was advanced to third reading, the second 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. 2467, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 2495, by Senator Bottiger:

Establishing penalties for curfew violation by juveniles.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2495 was substituted for Senate Bill No. 2495 and the substitute bill was placed on second reading and read the second time in full.

## POINT OF INQUIRY

Senator Odegaard: "With passage of the Substitute Senate Bill 2768, the major revisions in the juvenile code that we made now before the Governor for her signature, as I understand it, any child on the street in reasonable danger would be able to be picked up at any time. Any child that would be involved in disturbing the peace or any criminal activity that he might be involved in, he or she, that they could be picked up. I guess my question then is, is the setting of a specific hour for all to be off the streets necessary after passage of Senate Bill 2768?"

Senator Bottiger: "Senator Odegaard, the intent in introducing this bill, and in checking to make sure I was right with the chairman of the judiciary committee, this bill is not in conflict with the juvenile revision bill. This is a separate additional subject and what we are addressing here are curfews.

"We abolished curfews in the 1977 session and the purpose of the bill is to reintroduce them. Now the juvenile that is involved in some illegal activity at any time can be picked up. This bill allows a police officer to direct a juvenile to go home if they are abroad without permission of their parents, not in any . . . under age sixteen . . . and not with their guardian or without written permission, so I do not see that there is any conflict."

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 2495 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, I have a couple of questions about this bill, but the first one is, do you have some idea of what the fiscal impact of this is going to be?"

Senator Bottiger: "I do not believe there would be any fiscal impact. I think most of the kids under that age, if they know that the police officer is right, they will go home when he tells them to."

Senator McDermott: "So you are saying that there will be no fiscal impact to the county detention centers of this state by this bill?"

Senator Bottiger: "I cannot answer that, Senator. If kids refuse to obey police officers and are sent to detention centers, then there will be a fiscal impact, but I have got to presume that people will obey the law."

Senator McDermott: "My second question is, what would be acceptable proof of being over sixteen?"

Senator Bottiger: "I think that will have to be left to a case by case basis. Most kids are anxious to get their driver's licenses as soon as they are sixteen. If they do not have one, then they will have to have some other proof if they want to be out after these hours. And anybody who has a paper route and gets up before five o'clock and is out on the streets has to have in his pocket a note from his father or mother that he is a paper boy and that is the reason he is out."

Senator McDermott: "Senator, I do not know what time your paper boy comes in the morning but mine is there substantially after five."

Debate ensued.

## REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President, I did not want to leave the implication with Senator Bottiger that I was for juveniles running around the streets after midnight, but I was concerned that there might be some conflict with the Senate Bill 2768 which we passed, because I thought that at any time any child on the street in reasonable danger could be picked up by police, and I would think that a child out after midnight under sixteen could be classified as being in reasonable danger. Senator Hayner says that is not true, the juvenile justice, that that was not included in that bill but I guess I still do not quite understand the difference."

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and Senator Odegaard, they certainly could be picked up if in fact law enforcement felt that it was a runaway situation but that might not be the case, and I think this just works with the Juvenile Justice Act to reinforce it."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2495, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:00 noon, on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

There being no objection, the Senate returned to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 30, 1979.

SENATE BILL NO. 2485, authorizing summary probation after commitment (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2485 be substituted therefor, and that Substitute Senate Bill No. 2485 do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

March 30, 1979.

ENGROSSED HOUSE BILL NO. 630, providing for awarding of attorney fees and costs in lien foreclosures against the reserve fund for a public works' project (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

March 30, 1979.

SUBSTITUTE HOUSE BILL NO. 774, reenacting the law granting attorney fees to an owner suing to recover stolen goods from a pawnbroker (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Gallagher, Hayner.

Passed to Committee on Rules for second reading.

### MESSAGE FROM THE HOUSE

March 30, 1979.

Mr. President: The House has concurred in the Senate amendments to HOUSE CONCURRENT RESOLUTION NO. 19, and has passed the resolution as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 29, 1979.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to advise that on March 29, 1979, Governor Ray approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 2030: Relating to accounting for public employees' sick leave.

SENATE BILL NO. 2569: Relating to state parks.

Sincerely,  
H.B. HANNA  
Legal Counsel.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2532.

### SECOND READING

SENATE BILL NO. 2532, by Senator Day:

Relating to hospital districts.

### MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2532 was substituted for Senate Bill No. 2532 and the substitute bill was placed on second reading and read the second time in full.

Senator Jones moved adoption of the following amendment by Senators Jones, Fleming and McDermott:

On page 5, following section 1 add new sections to read as follows:

"Sec. 2. Section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.005 are each amended to read as follows:

The purpose of this chapter is to authorize the establishment of public hospital districts to own and operate hospitals, nursing homes, extended care, outpatient, and rehabilitative facilities, contiguous with or within such facilities or hospitals, and ambulances, and to supply hospital, nursing home, extended care, outpatient, rehabilitative, health maintenance, and ambulance service for the residents of such districts and other persons(~~(: PROVIDED, That hospital districts will not construct nursing homes when such facilities are already available. PROVIDED FURTHER, That districts located in counties having a population of over eighteen thousand may not construct nursing homes))~~).

NEW SECTION. Sec. 3. 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."

Debate ensued.

#### POINT OF ORDER

Senator Guess: "Mr. President, I would present to you the fact that the amendment as presented by Senator Fleming is beyond the scope and object of the bill which is before the body, 2532."

#### REPLY BY THE PRESIDENT

President Cherberg: "The President should like to have the opportunity to study your particular Point of Order, Senator Guess."

#### MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2532, together with the pending amendment by Senators Jones, Fleming and McDermott and the Point of Order raised by Senator Guess, was ordered held following consideration of Senate Bill No. 2716.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2716.

#### SECOND READING

SENATE BILL NO. 2716, by Senator Woody:  
Relating to elections.

#### MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2716 was substituted for Senate Bill No. 2716 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 2716 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2716, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Hayner, Walgren—2.

Absent or not voting: Senators Lee, Matson, Pullen—3.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL No. 2716, having received the constitutional majority, was declared passed. 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, Substitute Senate Bill No. 2532 will be held for further consideration following Senate Bill No. 2765.

## SECOND READING

SENATE BILL NO. 2727, By Senators Bausch, Clarke and Goltz (by Insurance Commissioner request):

Granting immunity to insurance companies which provide information on possible arson fires to investigating agencies.

The bill was read the second time by sections.

Senator Williams moved adoption of the following amendment:

On page 3, line 26, insert:

"NEW SECTION. Sec. 11. There is added to chapter 48.19 RCW a new section to read as follows:

(1) Every insurer shall make an experience-premium study on their records which collects data for at least the previous three years on premiums, losses, and reserves. This study is required only of insurers doing business with municipalities of the state and is limited to their experience with municipalities. The studies shall be made on a municipality by municipality basis.

(2) The data required under subsection (1) of this section and yearly supplements to the data shall be filed with the insurance commissioner at times determined by the commissioner. At the same time, the insurer shall send a copy of the data collected on an insured municipality to the insured municipality. The insurance commissioner shall compile such data and present it to the next session of the legislature.

This data may be made public, but the specific municipality to which the data refers shall only be available to the insurance commissioner, the legislature, and the specific municipality to which the data refers.

(3) As used in this section, "municipality" means each unit of local government, including cities and towns, counties, and special districts."

Renumber the remaining section consecutively.

Debate ensued.

## POINT OF ORDER

Senator Clarke: "I raise the question of scope and object on the amendment. The bill is a very limited bill which was intended simply to assist in the prevention of arson. It has nothing whatsoever to do with premium records or anything of that nature, and I submit that the amendment is plainly beyond the scope and object of the bill."

At 1:55 p.m., there being no objection, the Senate was declared to be at ease. The President called the Senate to order at 2:12 p.m.

## RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order as raised by Senator Clarke, the President finds that Senate Bill 2727 is a measure which deals with reporting of destructive fires.

"The amendment proposed by Senator Williams deals with experience premium studies by insurers doing business with municipalities.

"The President therefore believes the amendment to be beyond the scope and object of the bill and the Point of Order as presented by Senator Clarke is well taken."

The amendment by Senator Williams was ruled out of order.

On motion of Senator Bausch, the rules were suspended, Senate Bill No. 2727 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2727 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senators Matson, Vognild—2.

Excused: Senator Keefe—1.

SENATE BILL NO. 2727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served notice earlier today, Senator Lysen moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 2235 failed to pass the Senate.

## PARLIAMENTARY INQUIRY

Senator Pullen: "Is Senator Lysen's motion a suspension of the rules which takes a two-thirds vote?"

## REPLY BY THE PRESIDENT

President Cherberg: "In order for the measure to be considered today, it would take a two-thirds vote of the Senate to suspend the rules. The President believes

that this should be handled in two motions in order to keep everything clarified in the minds of the members and the President's mind."

### MOTION

On motion of Senator Walgren, further consideration of Engrossed Senate Bill No. 2335 was postponed until Monday, April 2, 1979.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 2532**, by Committee on Social and Health Services (originally sponsored by Senator Day):

Relating to hospital districts.

The Senate resumed consideration of Substitute Senate Bill No. 2532. Earlier today, an amendment by Senators Jones, Fleming and McDermott was moved for adoption and a Point of Order was raised by Senator Guess on the amendment.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Guess, the President finds that Substitute Senate Bill No. 2532 is a measure which deals with the powers of public hospital districts.

"The amendment proposed by Senators Jones, Fleming and McDermott also deals with the powers of public hospital districts.

"The President therefore finds that the amendment does not expand the scope and object of the bill and that the Point of Order by Senator Guess is not well taken."

The amendment was ruled in order.

The motion by Senator Jones carried and the amendment was adopted.

On motion of Senator Day, the following amendment to the title was adopted:

In line 4 of the title after "70.44.060" and before the period insert "amending section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex sess. and RCW 70.44.005; and creating a new section"

### STATEMENT FOR THE JOURNAL

March 30, 1979.

With regard to the Jones' amendment to Substitute Senate Bill 2532 which passed by a voice vote. I wish to let it be known that my vote on this amendment was 'no'.

Signed: SENATOR MARCUS GASPARD.

### MOTION

On motion of Senator Day, the rules were suspended, Engrossed Substitute Senate Bill No. 2532 was advanced to third reading, the second 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. 2532, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoeh, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Guess, Talley—2.

Absent or not voting: Senator Matson—1.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2532, having received the constitutional majority, 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. 2284, by Senator Peterson:

Relating to natural resources.

## MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2284 was substituted for Senate Bill No. 2284 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Jones, Senator Matson was excused.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2284 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator McDermott: "Senator Walgren, there was a bill out here on aquaculture earlier and I asked some questions about the situation in Agate pass, which is between Kitsap county and . . . it is in Kitsap county in terms of the leases there. I wonder if section 2 that is here is intended to mean that after July 1, 1982, a lease that is in effect will no longer hold, or are you saying they cannot enter into any more leases after that point? Because it would seem to me that you could lease something on June 30 for the next twenty years at a particular rate and get around the provisions, if I do not understand this correctly."

Senator Walgren: "The intent of the bill, of course, is to limit the amount of money to six percent increase for new leases that would be entered into. That would come as a result of the reappraisal of the shorelines made by the department of natural resources which they now have to do under law at this particular time. I do not believe that it would have any affect upon negotiations made now and into the twenty years that you were talking about."

Senator McDermott: "So what you are saying is that if somebody wanted to get a favorable lease, they ought to get it between now and 1982 because at that point there may be a whole new policy. Is that what you are saying?"

Senator Walgren: "I certainly hope there are going to be some new policies in 1982 and that is the purpose of my suggestion for a joint committee or a select committee in the Senate to examine into those problems."

"I think that the department is substantially on the alert for any attempts along that way. I can assure you that the staff of both the department of natural resources and staff in the Senate have been working this problem substantially, and I might say that the department has responded to a lot of the concerns that we have had and tried to make some policy determinations, but they are well aware of the problem as it relates to leases and I certainly would be very much surprised if something as you suggest would occur."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2284, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators McDermott, Shipoch—2.

Excused: Senators Keefe, Matson—2.

SUBSTITUTE SENATE BILL NO. 2284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:35 p.m., on motion of Senator Walgren, the Senate recessed until 3:20 p.m.

## SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 3:20 p.m.

## MOTIONS

On motion of Senator Wilson, Senator Peterson was excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2508.

## SECOND READING

SENATE BILL NO. 2508, by Senators Bottiger and Day:

Pertaining to insurance premium taxes.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2508 was advanced to third reading, the second 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. 2508, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Shipoch, Van Hollebeke—2.

Absent or not voting: Senators Benitz, Pullen—2.

Excused: Senators Keefe, Matson, Peterson—3.

SENATE BILL NO. 2508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Jones, Senator Benitz was excused.

#### SECOND READING

SENATE BILL NO. 2765, by Senator Donohue:

Changing monthly apportionment amounts of state aid to school districts.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 2765 was advanced to third reading, the second 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. 2765, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Absent or not voting: Senators Conner, Pullen—2.

Excused: Senators Benitz, Keefe, Matson, Peterson—4.

SENATE BILL NO. 2765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:33 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, April 2, 1979.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

**THIRTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, April 2, 1979.

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, Keefe, Lee, Scott, Talley and von Reichbauer. On motion of Senator Jones, Senators Lee and Scott were excused. On motion of Senator Wilson, Senators Fleming, Keefe, Talley and von Reichbauer were excused.

The Color Guard, consisting of Pages Rachel Weiner and Meg Gruhn, presented the Colors. Father Herbert Pins, assistant pastor of St. Michael's Church of Olympia, offered the following prayer:

"GOD AND CREATOR OF US ALL, OPEN OUR HEARTS AND MINDS TO YOUR CONSTANT AND LOVING INSTRUCTION. BLESS US WITH DISCERNMENT TO BE AWARE OF OUR ROLES AS THE CARETAKERS OF YOUR CREATION AND ALL YOUR CREATURES. HELP US IN A SPIRIT OF UNDERSTANDING AND TRUTH AND PEACE, TO ENSURE THE BETTER GOVERNANCE OF ALL YOUR PEOPLE. AS WE WORK TO DISCERN AND TO PERCEIVE YOUR WISDOM AMONG US, MAKE US DETERMINED TO SECURE JUSTICE AND EQUALITY AND THE COMMONWEALTH OF YOUR PEOPLE IN WASHINGTON STATE. WE ASK EVERY GOOD GIFT AND BLESSING FOR THIS 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.

**MESSAGES FROM THE HOUSE**

March 30, 1979.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1,  
HOUSE BILL NO. 325,  
SECOND SUBSTITUTE HOUSE BILL NO. 370,  
ENGROSSED HOUSE BILL NO. 433,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 437,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 502,  
ENGROSSED HOUSE BILL NO. 650,  
SUBSTITUTE HOUSE BILL NO. 703,  
HOUSE BILL NO. 750,  
ENGROSSED HOUSE BILL NO. 821,  
ENGROSSED HOUSE BILL NO. 954,  
SUBSTITUTE HOUSE BILL NO. 972,  
SUBSTITUTE HOUSE BILL NO. 1196,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,  
HOUSE JOINT MEMORIAL NO. 16,  
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 26,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

March 30, 1979.

Mr. President: The Speakers have signed: HOUSE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### SIGNED BY THE PRESIDENT

The President signed: HOUSE CONCURRENT RESOLUTION NO. 19.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3011.

### SECOND READING

SENATE BILL NO. 3011, by Senator Bausch:

Eliminating the beaver tag requirement and increasing the trapper's license fee.

### REPORT OF STANDING COMMITTEE

February 20, 1979.

SENATE BILL NO. 3011, eliminating the beaver tag requirement and increasing the trapper's license fee (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 30, after "resident" insert "over the age of sixteen years"

On page 1, line 30 after "~~(eleven)~~" strike "fourteen" and insert "twenty"

On page 2, line 1, after "dollars" insert "and any resident under the age of sixteen years may by paying the sum of twelve dollars"

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Rasmussen, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendments were adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3011 was advanced to third reading, the second 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. 3011, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shipoch, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator Sellar—1.

Excused: Senators Fleming, Keefe, Lee, Scott, Talley, von Reichbauer—6.

ENGROSSED SENATE BILL NO. 3011, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 2957.

#### SECOND READING

SENATE BILL NO. 2957, by Senator Henry:  
Relating to transportation.

#### MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2957 was substituted for Senate Bill No. 2957 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 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 Substitute Senate Bill No. 2957, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Fleming, Keefe, Lee, Scott, Talley, von Reichbauer—6.

SUBSTITUTE 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 Marsh, the Senate commenced consideration of Senate Bill No. 3026.

#### SECOND READING

SENATE BILL NO. 3026, by Senators Bottiger, Ridder, Gould and Hayner:  
Placing habitual truancy within the Juvenile Justice Act.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3026, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Fleming, Keefe, Lee, Scott, Talley, von Reichbauer—6.

SENATE BILL NO. 3026, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 3115.

#### SECOND READING

SENATE BILL NO. 3115, by Senator Goltz:

Reenacting prior double amendment relating to types of insurance boards of regents or trustees may provide as one of its 1973 versions.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 3115 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Clarke: "Senator, it is my understanding that this purports to make no change in the substantive law."

Senator Goltz: "That is correct. It makes no change in the substantive law."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3115, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Fleming, Keefe, Lee, Scott, Talley, von Reichbauer—6.

SENATE BILL NO. 3115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3077.

#### SECOND READING

SENATE BILL NO. 3077, by Senators Odegaard and Henry:

Providing photo identification during the drivers' license renewal process.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 3077 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3077, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Fleming, Keefe, Lee, Scott, Talley, von Reichbauer—6.

SENATE BILL NO. 3077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3066.

#### SECOND READING

SENATE BILL NO. 3066, by Senators Rasmussen, Gould and Day (by State Auditor request):

Revising laws relating to the state auditor.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3066 was substituted for Senate Bill No. 3066 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the following amendment was adopted:

Beginning on page 1, line 21, strike all of the material down to and including the period on page 2, line 21.

Re number the sections consecutively and correct all internal references accordingly.

On motion of Senator Rasmussen, the following amendment to the title was adopted:

On page 1, line 2 of the title after "management;" strike all of the material down to and including "RCW 10.46.230;" on line 5.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 3066 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3066, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander,

North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Keefe, Lee, Scott—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3140.

### SECOND READING

SENATE BILL NO. 3140, by Senators Walgren, Goltz and Rasmussen:  
Authorizing combined city-county housing authorities.

### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 3140 was substituted for Senate Bill No. 3140 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator North, the following amendment was adopted:

On page 1, line 6, after "counties" strike "other than class AA counties"

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 3140 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3140 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Fleming, Keefe, Lee, Scott—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3117.

### SECOND READING

SENATE BILL NO. 3117, by Senators Odegaard, Morrison and Gaspard (by Superintendent of Public Instruction request):

Providing for programs of education for residents in certain institutions under jurisdiction of department of social and health services.

## REPORT OF STANDING COMMITTEE

March 6, 1979.

SENATE BILL NO. 3117, providing for programs of education for residents in certain institutions under jurisdiction of social and health services (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 2, line 27, after "district" insert "after consultation with the superintendent or chief administrator of the residential school"

On page 7, line 31, after "instruct the" strike "girls" and insert "((girls)) students"

On page 9, line 5, after "educational" strike "department" and insert "((department)) program."

On page 9, line 12, after "The" strike "department" and insert "((department)) superintendent"

On page 9, line 15, after "the" strike "department" and insert "((department)) superintendent"

On page 9, line 16, before "instruction" insert "public"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendments were adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3117 was advanced to third reading, the second 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. 3117, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Keefe, Scott—3.

ENGROSSED SENATE BILL NO. 3117, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Bill No. 3132.

## SECOND READING

SENATE BILL NO. 3132, by Senator Bausch:

Directing the state fire marshal to collect and analyze fire data.

## REPORT OF STANDING COMMITTEE

March 27, 1979.

SENATE BILL NO. 3132, directing the state fire marshal to collect and analyze fire data (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass with the following amendment:

On page 2, line 5, after "the" strike "federal national fire prevention and control" and insert "United States fire"

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

The bill was read the second time by sections.

On motion of Senator Bausch, the committee amendment was adopted.

On motion of Senator Bausch, the rules were suspended, Engrossed Senate Bill No. 3132 was advanced to third reading, the second 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. 3132, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Keefe, Scott—3.

ENGROSSED SENATE BILL NO. 3132, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Senate Joint Memorial No. 103.

### SECOND READING

SENATE JOINT MEMORIAL NO. 103, by Senators Bausch, Odegaard, Bottiger and Conner:

Requesting the continued use of the Olympia postmark.

The memorial was read the second time in full.

On motion of Senator Bausch, the rules were suspended, Senate Joint Memorial No. 103 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 103, and the memorial passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43

Voting nay: Senators Matson, Newschwander, Sellar—3.

Excused: Senators Fleming, Keefe, Scott—3.

SENATE JOINT MEMORIAL NO. 103, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3121.

## SECOND READING

SENATE BILL NO. 3121, by Senators Walgren, Rasmussen and Wilson:  
Moving the time for filing the rule purpose statement from adoption to notice.  
The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 3121 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3121, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Fleming, Keefe, Scott—3.

SENATE BILL NO. 3121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:00 noon, on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3126.

## SECOND READING

SENATE BILL NO. 3126, by Senators Talley, Wojahn and Woody:  
Permitting manicurists to operate manicure shops.

## MOTIONS

On motion of Senator Talley, Substitute Senate Bill No. 3126 was substituted for Senate Bill No. 3126 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Substitute Senate Bill No. 3126 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3126, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Benitz, Bottiger, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senators Bausch, Bluechel, Clarke, Jones, Lysen, Matson—6.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 3126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3142.

## SECOND READING

SENATE BILL NO. 3142, by Senators Walgren, Rasmussen and Wilson:

Making various changes in the Administrative Procedure Act and in the State Register Act.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3142 was substituted for Senate Bill No. 3142 and the substitute bill was placed on second reading and read the second time in full.

Senator von Reichbauer moved adoption of the following amendment:

On page 1, after line 22, insert the following:

"Sec. 2. Section 15, chapter 234, Laws of 1959 as last amended by section 90, chapter ... (House Bill No. 849), Laws of 1979 and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of licensing. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act. The provisions of RCW 34.04.090 through RCW 34.04.130 shall not require the pollution control hearings board, the shorelines hearings board, or the forest practices appeals board to pay for the costs of transcribing oral testimony as a part of any record for purposes of court review. When such a transcript is required for judicial review, the party initiating judicial review shall within ten days from commencing that action order the transcript and arrange for payment of same, and the costs thereof may be recovered as provided by chapter 4.84 RCW."

Renumber the remaining sections consecutively.

## POINT OF INQUIRY

Senator Rasmussen: "Senator, I am not sure that I understand what you are trying to do here. Substitute Senate Bill 3142 pertains to the State Register. Did you look over this amendment? Are you relieving them from publishing in the State Register?"

Senator von Reichbauer: "It has no effect upon what they are doing in the State Register. We just feel that the language of the title of this bill, perhaps with a little amendment, which is the second amendment, will make sure that this proposed amendment, our first amendment, will qualify under the nature of this proposed bill.

"This proposal which has the unanimous support of the three commissioners on the pollution control board and the other agencies, is one brought about by a major concern that the cost that is being borne by the general public for the transcript of people who are appealing the action of the board.

"I know, I share your concern, Senator Rasmussen, with the high cost that the public would have to bear for these appeals. Moreover, if individuals who wish to appeal these actions of the agencies know that they will not have to pay for the transcripts, you can imagine how much the increase will be in terms of the individuals appealing the action of the pollution control board and other agencies."

Debate ensued.

## MOTION

At 1:40 p.m., on motion of Senator Walgren, the Senate recessed until 2:55 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 2:55 p.m.

The Senate resumed consideration of Substitute Senate Bill 3142 and the amendment proposed by Senator von Reichbauer.

The motion by Senator von Reichbauer carried and the amendment was adopted.

On motion of Senator von Reichbauer, the following amendment to the title was adopted.

On page 1, line 5 of the title after "34.04.058;" and before "amending" insert "amending section 15, chapter 234, Laws of 1959 as last amended by section 90, chapter . . . (House Bill No. 849), Laws of 1979 and RCW 34.04.150;"

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 3142 was advanced to third reading, the second 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. 3142, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2791.

#### SECOND READING

SENATE BILL NO. 2791, by Senator Hansen:  
Relating to agriculture.

#### MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 2791 was substituted for Senate Bill No. 2791 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 2791 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2791, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2561.

#### SECOND READING

SENATE BILL NO. 2561, by Senators Benitz, Woody and Hayner:  
Exempting from the fire code hand-held candles used in religious ceremonies.  
The bill was read the second time by sections.

On motion of Senator Benitz, the rules were suspended, Senate Bill No. 2561 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: "Senator Benitz, I did not get a chance to read this bill. I have been working on a couple of others here, and I haven't got a copy of it before me. I apologize for not being ready.

"A couple of things came to mind and since I haven't read the bill itself and do not know the full import, I would like to know, first of all, does it apply to any religious ceremony that it would provide that they can use candles and would not have to come within other fire code regulations? Is that the idea? Is that one of the ideas?"

Senator Benitz: "Yes, the bill is very short and very simple and it just simply says that exempts hand-held lighted candles in religious ceremonies."

Senator Van Hollebeke: "Now, many churches do that now. I used to light the candles myself and blow them out and I did all of those things I am concerned about and I held a lighted candle, I think over in the House ceremony commemorating the deceased members of the legislature. Do you know if it would apply to that ceremony? That was a religious ceremony."

Senator Benitz: "I feel it is a religious ceremony and if that is true it would exempt it at the present time unless the law is changed, I expect we have seen the last of those in the legislature."

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2561, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Conner, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Matson, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Quigg, Ridder, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Williams, Wilson, Woody—35

Voting nay: Senators Clarke, Fleming, Goltz, McDermott, Moore, Rasmussen, Scott, Shinpoch, Talmadge, Vognild, Walgren, Wojahn—12.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2358.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2358, by Committee on Constitution and Elections (originally sponsored by Senators Woody, Jones, Wojahn, Clarke, Talmadge and Hayner):

Standardizing election procedures for judicial office.

Senator Hayner moved the rules be suspended and Substitute Senate Bill No. 2358 be returned to second reading.

An objection was raised.

The motion by Senator Hayner failed on a rising vote.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2358.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2358, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 27; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Fleming, Gaspard, Goltz, Hansen, Marsh, Odegaard, Peterson, Ridder, Scott, Shinpoch, Talley, Vognild, Walgren, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Donohue, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Lysen, Matson, McDermott, Moore, Morrison, Newschwander, North, Pullen, Quigg, Rasmussen, Sellar, Talmadge, Van Hollebeke, von Reichbauer, Wanamaker, Williams, Wilson—27.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2358, having failed to receive the constitutional majority, was declared lost.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2862.

## SECOND READING

SENATE BILL NO. 2862, by Senators Scott and Odegaard:

Deleting reference to certain obsolete funds and accounts.

## MOTIONS

On motion of Senator Scott, Substitute Senate Bill No. 2862 was substituted for Senate Bill No. 2862 and the substitute bill was placed on second reading, and read the second time in full.

On motion of Senator Scott, the following amendments were adopted:

On page 3, beginning on line 11, strike Section 1, and renumber the remaining sections consecutively.

On page 4, beginning on line 11, after "~~(5)~~" delete ") Electrical licenses fund moneys, to the electrical licenses account; ~~((6))~~ (4)" and add ") ~~Electrical licenses fund moneys, to the electrical licenses accounts; ~~((6))~~ (4))~~".

Renumber the remaining subsections consecutively.

On motion of Senator Scott, the following amendment to the title was adopted:

On page 1 of the title, beginning on line 2, after "appropriations," delete all material down to and including the semicolon on line 4.

On motion of Senator Scott, the rules were suspended, Engrossed Substitute Senate Bill No. 2862 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2862, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoeh, Talley, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Matson, Moore, Talmadge, Van Hollebeke, von Reichbauer—5.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3118.

### SECOND READING

SENATE BILL NO. 3118, by Senators Walgren, Odegaard, Wojahn and Vognild:

Revising state laws on elections.

### MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 3118 was substituted for Senate Bill No. 3118 and the substitute bill was placed on second reading and read the second time in full.

Senator Morrison moved the following amendments be considered and adopted simultaneously:

On page 3, line 30 after "election" reinsert the stricken language: "in an even numbered year".

On page 4, line 12 reinsert the stricken language: "held in an even numbered year".

On page 5, line 9 after "election" insert: "held in an even numbered year".

On page 5, line 34 reinsert all stricken language and strike "and".

On page 5, line 36 after "county," reinsert: "city, town, district,".

On page 6, line 2 after "state" reinsert stricken language through "district".

On page 6, line 3 and on page 6, line 2 strike "or".

On page 6, line 5 after "November" reinsert the stricken language through "November" on line 7.

On page 6, beginning on line 7 after "each" strike: "even numbered".

On page 6, beginning on line 8 after "That" reinsert stricken language through "That" on line 27.

On page 8, line 2 strike entire Section 8.

Beginning on page 8, line 20 strike entire Section 9.

On page 10 beginning on line 2 strike entire Section 10.

On page 10 beginning on line 21 strike entire Section 11.

On page 10 beginning on line 32 strike entire Section 12.

On page 13 beginning on line 17 strike entire Section 15.

On page 15 beginning on line 11 strike entire new Section 18.

### POINT OF ORDER

Senator Bottiger: "Mr. President, I raise a Point of Order as to whether the amendments or the series of amendments that Senator Morrison has admitted change the scope and object of the bill, and speaking to the Point of Order.

"Mr. President, Senator Morrison candidly admitted that he is reversing the scope and object of the bill back to the existing law. I think by his own words, he has candidly told the President how to rule on the point."

The President declared the Senate to be at ease.

President Pro Tempore Henry called the Senate to order.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2108.

### SECOND READING

SENATE BILL NO. 2108, by Senators Talley and Wanamaker (by Board of Pilotage Commissioners request):

Revising laws on pilots of vessels.

### REPORT OF STANDING COMMITTEE

February 21, 1979.

SENATE BILL NO. 2108, revising laws on pilots of vessels (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 25, after "quorum." insert "At least one pilot, one shipping representative, and one public member must be present at every meeting."

On page 3, line 10, strike all of the language in subsection (3).

On page 5, line 16, strike all of section 4.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Hansen, Peterson, von Reichbauer, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendments were adopted.

Senator Bottiger moved adoption of the following amendment:

On page 5, after line 15, strike all of section 4 and insert a new section as follows:

"Sec. 4. Section 11, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.155 are each amended to read as follows:

(1) (~~The master of any vessel which employs a~~) Upon boarding a vessel for a pilotage assignment, every Washington licensed pilot shall certify on a form prescribed by the board of pilotage commissioners that the vessel complies with:

(a) Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and

(b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States Senate and prescribed by the board.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which certify and indicate that the vessel complies with subsection (1) of this section and the rules of the board promulgated pursuant to subsection (1) of this section.

(3) If the (~~master of a vessel which employs a~~) Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the (~~master~~) pilot shall certify that:

(a) The master of the vessel has certified in writing to the board that the vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) After the board has prescribed the form required under subsection (1) of this section, no Washington licensed pilot shall offer pilotage services to any vessel on which ~~((the master has failed to))~~ such pilot cannot make ((a)) the certification required by this section. If the ((master)) pilot fails to make a certification the pilot shall:

(a) Disembark from the vessel as soon as practicable; and

(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and

(c) Forward a written report to the board no later than twenty-four hours after disembarking from the vessel.

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the ~~((master))~~ pilot has failed to make a certification required by this section or the rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.04 and 42.30 RCW. The board shall prescribe the time of and method for retention of forms which have been signed by the ~~((master))~~ pilot of a vessel in accordance with the provisions of this section.

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.04 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon."

#### POINT OF INQUIRY

Senator Henry: "Senator Bottiger, you had a bill in the transportation committee, if I remember correctly, that you expected the pilots to certify whether or not the radio gear work was adequate. Does this do the same thing?"

Senator Bottiger: "Mr. President, it is a slightly different approach. What we are here asking the pilot to do is examine the master, as him, and then fill out the certificate for him so the pilot is signing off that the master represented to him that these safety devices were in good working order and that were available on the ship."

Senator Rasmussen: "Mr. President, my question is similar to yours. Senator Bottiger, suppose a pilot asks this master and he says, 'Well, yes, everything is all right,' to the best of the ability, neither one of them can talk the language of the other one. Under this amendment as I read it, the pilot, if he says 'no' and they misunderstand each other, the pilot must disembark. What does the master of the ship do then, keep on going without a pilot?"

Senator Bottiger: "Oh, no, Senator. The pilot disembarks, notifies the Coast Guard. If you will look on the bottom of the handout, you will see the proposed pilot certificate, and I would suggest that the pilot can examine the radar which is right there on the deck, the gyrocompass, the rudder angle indicator, the fathom meter, the whistle, the magnetic compass and deviation tables, the wheelhouse and whether

or not the wheelhouse is staffed by an officer or a helmsman, one of whom speaks English, he can ask them, and the local up-to-date charts and determine whether the wheelhouse is able to contact the engine room with communication. Now that is a pretty simple thing to do. I am sure not qualified to be a pilot but I think I could do that on my little boat or on a big ocean going tanker. If they don't do that, what do they do for their \$80,000?"

Senator Rasmussen: "You asked me a question, Senator Bottiger. I was not satisfied with your answer, but supposedly they get that ship in safely to the best of their ability to the harbor wherever they may be going without running over any other ships. I am questioning whether what you are proposing here is practical."

Senator Bottiger: "Senator, you and I come from an area where a ship came in that had all its vents painted shut and was waiting Los Angeles disaster and another ship got all the way to Anacortes refinery with no radios aboard. Now that pilot, I think, was in error in taking that ship. He should have notified the Coast Guard and got off and then that ship is now in violation of our standards and could not proceed further.

"I guess the question is, who do you want to do the checking to make sure that these vessels do not proceed into Washington waters unless they are safe."

Debate ensued.

#### POINT OF ORDER

Senator Guess: "Mr. President, I will make the proper motion. I raise the question of scope and object on the amendment as presented by Senator Bottiger."

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "As much as I would like to buy your argument, Senator Guess, and dispose of this quickly. An act relating to pilotage amending the Laws of 35.77 etc., etc., I must find that it is within the scope and object of the bill. The question is now whether you want to adopt it or not."

The amendment was ruled in order.

The motion by Senator Bottiger was adopted on a rising vote.

On motion of Senator Bottiger, the following amendment to the title was adopted:

In the title, page 1, line 8, after "section" strike all down to the period and insert "11, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.155"

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 2108 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2108, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Guess, Newschwander, Van Hollebeke—3.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the Chair.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3118, by Committee on Constitution and Elections (originally sponsored by Senators Walgren, Odegaard, Wojahn and Vognild):

Revising state laws on elections.

The Senate resumed consideration of Substitute Senate Bill No. 3118, the pending amendments by Senator Morrison and the Point of Order raised by Senator Bottiger.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Bottiger, the President finds that Substitute Senate Bill No. 3118 is a measure which revises state laws on elections.

"The amendments proposed by Senator Morrison also deals with the revision of state election laws. The President therefore finds that the proposed amendments do not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendments were ruled in order.

Debate ensued.

Senator Peterson moved the amendments by Senator Morrison be laid upon the table.

Senator Lewis demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Peterson that the amendments by Senator Morrison be laid upon the table.

### ROLL CALL

The Secretary called the roll and the motion by Senator Peterson carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Marsh, Moore, Odegaard, Peterson, Rasmussen, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Lysen, Matson, McDermott, Morrison, Newschwander, North, Pullen, Quigg, Ridder, Scott, Sellar, von Reichbauer, Wanamaker, Williams, Wilson—25.

Excused: Senator Keefe—1.

On motion of Senator Woody, the following amendment was adopted:

On page 15, line 14 after "election" insert "and any constitutional amendment submitted by the legislature to the voters at the 1979 election,"

Senator Woody moved adoption of the following amendment:

On page 15, line 16, after "year" insert "PROVIDED, That a state-wide ballot measure must have had the signatures verified by the secretary of state for placement before the voters at the 1979 election prior to the effective date of this 1979 amendatory act.

**NEW SECTION.** Sec. 19. "Severability clause."

Remember the remaining section consecutively.

On motion of Senator Bottiger, the following amendment to the amendment by Senator Woody was adopted:

After "Sec. 19." strike "Severability clause." and insert: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF INQUIRY

Senator North: "Senator Woody, if I am reading your amendment correctly, you would give any initiative petition that is in circulation only thirty days from the time at which the legislature adjourns in order to complete the gathering of the necessary number of signatures. Now if the legislature were to adjourn in April, April 20, 21, let's pick a date, that would mean the signatures would have to be completed, the drive would have to be over by May 20 or 21. Is that correct?"

Senator Woody: "That is correct, Senator North."

Debate ensued.

Senator Jones demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Woody as amended by Senator Bottiger.

#### ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Marsh, Moore, Odegaard, Peterson, Rasmussen, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Lysen, Matson, McDermott, Morrison, Newschwander, North, Pullen, Quigg, Ridder, Scott, Sellar, von Reichbauer, Wanamaker, Williams, Wilson—25.

Excused: Senator Keefe—1.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute Senate Bill No. 3118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Walgren, Peterson and Day demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3118.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3118, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wojahn, Woody—26.

Voting nay: Senators Benitz, Bluechel, Clarke, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Quigg, Ridder, Scott, Sellar, von Reichbauer, Wanamaker, Wilson—22.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2325.

### SECOND READING

SENATE BILL NO. 2325, by Senators Bottiger, Gould, Rasmussen and McDermott (by State Superintendent of Public Instruction request):

Mandating state fire marshal to make all plan reviews and construction inspections relating to fire prevention and safety in the schools and allowing imposition of fees for the same.

### REPORT OF STANDING COMMITTEE

March 22, 1979.

SENATE BILL NO. 2325, mandating state fire marshal to make all plan reviews and construction inspections relating to fire prevention and safety in the schools and allowing imposition of fees for the same (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 2, line 2 after "marshal" strike "may" and insert "shall"

On page 2, line 2, after "RCW" and before the period, strike ", as now or hereafter amended"

On page 2, line 7, after "approved by the" and before the "." strike "legisla-  
ture" and insert "superintendent of public instruction"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendments were adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 2325 was advanced to third reading, the second 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. 2325, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—47.

Voting nay: Senator Wilson—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2301.

## SECOND READING

SENATE BILL NO. 2301, by Senators Bluechel, Rasmussen, Clarke and Hayner (by Legislative Budget Committee request):

Modifying review of state personal services contracts.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2301 was substituted for Senate Bill No. 2301 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bluechel, the rules were suspended, Senate Bill No. 2301 was advanced to third reading, the second 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. 2301 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SENATE BILL NO. 2301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2485.

## SECOND READING

SENATE BILL NO. 2485, by Senators Day, Marsh, Donohue, Clarke, von Reichbauer, Talmadge and Quigg:

Authorizing summary probation after commitment.

## MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2485 was substituted for Senate Bill No. 2485 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2485 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2485, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2485, having received the constitutional majority, 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. 2749, by Senators Peterson, Day, Quigg, Odegaard, Wanamaker and Goltz:

Transferring Northern State Hospital from the department of general administration to the department of social and health services.

## MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2749 was substituted for Senate Bill No. 2749 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2749 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2749, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Benitz, Bluechel, Sellar—3.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Memorial No. 104.

## SECOND READING

SENATE JOINT MEMORIAL NO. 104, by Senators Jones, Walgren, Gould and Fleming:

Memorializing the President and Congress to urge the extension of the German statute of limitations on Nazi war criminals.

The memorial was read the second time in full.

On motion of Senator Jones, the rules were suspended, Senate Joint Memorial No. 104 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 104, and the memorial passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Lee, Matson—2.

Excused: Senator Keefe—1.

SENATE JOINT MEMORIAL NO. 104, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Joint Memorial No. 111.

## SECOND READING

SENATE JOINT MEMORIAL NO. 111, by Senator von Reichbauer:

Asking Congress and the administration to leave responsibility for handling accidents involving transport of hazardous materials at local level.

## REPORT OF STANDING COMMITTEE

March 27, 1979.

SENATE JOINT MEMORIAL NO. 111, asking Congress and the administration to leave responsibility for handling accidents involving transport of hazardous materials at local level (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 30, after "safety" insert "while recognizing the vital needs of commerce"

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Peterson, von Reichbauer.

The memorial was read the second time in full.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Joint Memorial No. 111 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 111, and the memorial passed the Senate by the following vote: Yeas, 29; nays, 18; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Clarke, Conner, Day, Donohue, Gaspard, Goltz, Hansen, Lewis, Lysen, Marsh, Matson, McDermott, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Sellar, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wilson, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Bottiger, Fleming, Gallagher, Gould, Guess, Hayner, Jones, Lee, Moore, Morrison, Pullen, Scott, Shinpoch, Van Hollebeke, Wanamaker, Williams—18.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 111, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Walgren, the Senate advanced to the eighth order of business.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Lysen moved the Senate do now reconsider the vote by which Engrossed Senate Bill No. 2235 failed to pass the Senate on Friday, March 30, 1979.

## THIRD READING

ENGROSSED SENATE BILL NO. 2235, by Senators Fleming, McDermott, Talmadge and Wojahn:

Making January 15th a school holiday, Human Relations Day, being the anniversary of the birth of Martin Luther King, Jr.

The motion by Senator Lysen carried. The Senate moved to reconsider the vote by which Engrossed Senate Bill No. 2235 failed to pass the Senate on Friday, March 30, 1979.

Debate ensued.

Senators Van Hollebeke, Fleming and Walgren 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 Senate Bill No. 2235, on reconsideration.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2235, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Henry, Jones, Lysen, Marsh, McDermott, Moore, North, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Guess, Hansen, Hayner, Lee, Lewis, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, von Reichbauer, Wanamaker, Wilson—23.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2235, 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 Walgren, the Senate commenced consideration of Senate Bill No. 2852.

### SECOND READING

SENATE BILL NO. 2852, by Senators Lysen and Morrison:

Establishing procedures for mediation and arbitration in collective bargaining by uniformed personnel.

### REPORT OF STANDING COMMITTEE

March 28, 1979.

SENATE BILL NO. 2852, establishing procedures for mediation and arbitration in collective bargaining by uniformed personnel (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, on line 28, delete "any" and insert "a"

On page 5, beginning on line 9, after "panel." delete all material down to and including "chosen." on line 12

On page 5, beginning on line 13, after "days" delete all material down to and including "provided." on line 16 and insert "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 commission, and the commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) either party may apply to the commission, the federal mediation and conciliation service or the American Arbitration Association to provide a list of five qualified arbitrators from which the neutral chairman shall be chosen."

On page 6, after line 24, insert the following:

"Sec. 3. Section 5, chapter 131, Laws of 1973 and RCW 41.56.460 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer.

(b) Stipulations of the parties.

(c) Comparison of the wages, hours and conditions of employment of the uniformed personnel of cities and counties involved in the proceedings with the wages, hours, and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living.

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings.

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

~~((g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440.))~~

**NEW SECTION.** Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 4 of the title, after "41.56.440;" delete "and"

On page 1, on line 7 of the title, after "41.56.450" and before the period insert "; amending section 5, chapter 131, Laws of 1973 and RCW 41.56.460; and declaring an emergency"

Signed by: Senators Vognild, Vice Chairman; McDermott, Moore, Morrison.

The bill was read the second time by sections.

On motion of Senator Vognild, the committee amendment was adopted.

On motion of Senator Vognild, the committee amendment to the title was adopted.

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 2853 was advanced to third, reading, the second 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. 2852, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Bluechel, Hayner, Pullen—3.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3044.

### SECOND READING

SENATE BILL NO. 3044, by Senator Van Hollebeke:  
Relating to moorage.

### PARLIAMENTARY INQUIRY

Senator Clarke: "Does this bill have any exemption to the cutoff resolution?"

### REPLY BY THE PRESIDENT

President Cherberg: "Senator Clarke, in reply to your inquiry, the President believes that the bill would fall within the provisions of the House Concurrent Resolution No. 19 if the department of natural resources were to charge a fee for a lease. Under the terms of this bill, the department may prescribe the terms and conditions of the leases. If they were to charge a fee, then the bill would qualify."

**REMARKS BY SENATOR CLARKE**

Senator Clarke: "I understand the ruling to be then that it is within the exception and for that reason is properly considered after the cutoff hour of five o'clock?"

**REPLY BY THE PRESIDENT**

President Cherberg: "The President would believe so."

**MOTION**

At 5:10 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, April 3, 1979.

**JOHN A. CHERBERG**, President of the Senate.  
**SIDNEY R. SNYDER**, Secretary of the Senate.

## FOURTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 3, 1979.

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 Keefe and Lysen. On motion of Senator Wilson, Senators Keefe and Lysen were excused.

The Color Guard, consisting of Pages Marrie Harris and Tom Caspers, presented the Colors. Father Herbert Pins, assistant pastor of St. Michael's Church of Olympia, offered the following prayer:

"GOD, OUR FATHER, OUR STRENGTH IN ADVERSITY, OUR HEALTH IN WEAKNESS, AND OUR COMFORT IN TIMES OF DISTRESS, INVIGORATE US WITH THE CONVICTION OF YOUR LAW AND WISDOM WRITTEN WITHIN OUR HEARTS. AS PAUL HAS REMINDED THE CORINTHIANS AND US AS WELL: ' . . . GOD HAS, THROUGH HIS SPIRIT, LET US SHARE HIS SECRET. FOR NOTHING IS HIDDEN FROM THE SPIRIT. . . WE HAVE NOW RECEIVED NOT THE SPIRIT OF THE WORLD BUT THE SPIRIT OF GOD HIMSELF, SO THAT WE CAN UNDERSTAND SOMETHING OF GOD'S GENEROSITY TOWARDS US.' (1 Corinthians,; 2)

"IN YOUR KINDNESS, FATHER, MAY THE WORK OF THIS DAY HELP US TO REALIZE HOW 'YOUR KINGDOM COME, ON EARTH AS IT IS IN HEAVEN'. BLESS THESE MEMBERS OF THE SENATE IN ALL OF THEIR EFFORTS DURING THIS DAY. WE SEEK THIS BLESSING 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 HOUSE

April 2, 1979.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 19,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 254,  
 SUBSTITUTE HOUSE BILL NO. 306,  
 ENGROSSED HOUSE BILL NO. 358,  
 SUBSTITUTE HOUSE BILL NO. 395,  
 ENGROSSED HOUSE BILL NO. 427,  
 ENGROSSED HOUSE BILL NO. 450,  
 SUBSTITUTE HOUSE BILL NO. 451,  
 ENGROSSED HOUSE BILL NO. 542,  
 SUBSTITUTE HOUSE BILL NO. 551,  
 HOUSE BILL NO. 604,  
 ENGROSSED HOUSE BILL NO. 628,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 665,  
 ENGROSSED HOUSE BILL NO. 689,

SUBSTITUTE HOUSE BILL NO. 706,  
 SUBSTITUTE HOUSE BILL NO. 755,  
 ENGROSSED HOUSE BILL NO. 781,  
 HOUSE BILL NO. 807,  
 HOUSE BILL NO. 814,  
 HOUSE BILL NO. 845,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 858,  
 SUBSTITUTE HOUSE BILL NO. 898,  
 HOUSE BILL NO. 913,  
 HOUSE BILL NO. 919,  
 HOUSE BILL NO. 923,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1281,  
 SUBSTITUTE HOUSE BILL NO. 1308, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1, by Committee on Natural Resources (originally sponsored by Representatives Erickson, Fuller, Galloway, Sherman, Keller, Brown, Schmitten, Rosbach, Erak, Kreidler, Grimm, Winsley, Mitchell, Taller, Struthers, Sprague, Walk, Monohon, Heck, North, Wilson and Zimmerman):

Requiring a license for personal use of razor clams.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 19, by Committee on Judiciary (originally sponsored by Representatives Nelson (Dick), Knowles, Pruitt, Brekke) (by House Committee on Judiciary of 45th Legislature request)

Restoring the civil rights of persons convicted of infamous crimes upon their final discharge by the parole board.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 22, by Committee on Judiciary (originally sponsored by Representatives Charnley, Burns, Douthwaite and G.A. Nelson):

Permitting arrest for certain traffic offenses.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 38, by Committee on State Government (originally sponsored by Representatives Taller, Ehlers, Sommers, G.A. Nelson and Sanders):

Establishing a program of training and career development for state civil service employees.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 41, by Representative Keller:

Providing for local fire protection contracts.

Referred to Committee on Local Government.

HOUSE BILL NO. 58, by Representatives May, Gallagher, Sanders, Owen, Lux, Schmitten, Teutsch, Martinis, Deccio, Hurley, Maxie, Newhouse, Knowles, Struthers, Adams, Hughes, Pruitt, Charnley, Clayton, Erak and Houchen:

Prohibiting blind bidding for feature motion pictures.

Referred to Committee on Commerce.

HOUSE BILL NO. 71, by Representatives Taller and Adams:  
Redefining toilet units for purposes of mandating free use thereof.  
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 80, by Committee on Institutions (originally sponsored by Representatives Struthers, Becker, D. Nelson, Taller and Rohrbach) (by Department of Social and Health Services request):  
Modifying provisions relating to institutional industries.  
Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 103, by Committee on Insurance (originally sponsored by Representatives Douthwaite and Erak) (by House Committee on Insurance of 45th Legislature request):  
Providing for underinsured motor vehicle insurance coverage.  
Referred to Committee on Financial Institutions and Insurance.

SUBSTITUTE HOUSE BILL NO. 133, by Committee on Local Government (originally sponsored by Representatives Warnke and Owen):  
Modifying special purpose district contract and bid procedures.  
Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 236, by Committee on Appropriations (originally sponsored by Representatives Thompson and Blair) (by Governor Ray request):  
Adopting the budget.  
Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 254, by Committee on Social and Health Services (originally sponsored by Representative Adams) (by Department of Social and Health Services request):  
Modifying appeal procedures for public assistance grievances.  
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 284, by Representatives Sommers, Warnke and Gallagher:  
Establishing labeling requirements for frozen fish.  
Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 291, by Committee on Revenue (originally sponsored by Representative Sommers) (by Department of Revenue request):  
Making miscellaneous changes to excise tax laws.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 306, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives (D) Nelson, Fuller, Barnes, Gruger, Erickson and Burns) (by House Committee on Elections and Governmental Ethics of 45th Legislature request):  
Making the candidates' and voters' pamphlets more informative.  
Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 308, by Representative Sommers (by Department of Revenue request):  
Modifying the law on unclaimed property.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 311, by Committee on Judiciary (originally sponsored by Representatives Newhouse, Knowles, Winsley and Clayton) (by Judicial Council request):  
Decriminalizing certain motor vehicle offenses.  
Referred to Judiciary Committee.

HOUSE BILL NO. 322, by Representatives Isaacson, Pruitt, Oliver, Brekke, Hastings, Hurley, Sanders, North, Addison, Greengo and Struthers:  
Exempting from the fire code hand-held candles in religious ceremonies.  
Referred to Committee on Financial Institutions and Insurance.

HOUSE BILL NO. 325, by Representatives Sprague, Sanders, Greengo and Bond:  
Removing the inequalities on taxpayer overpayments.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 326, by Committee on Revenue (originally sponsored by Representatives O'Brien, Erak, Warnke, Polk and Sanders):  
Imposing an excise tax on stevedoring and related activities.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 334, by Committee on Parks and Recreation (originally sponsored by Representatives Hurley, Greengo and Brown):  
Requiring land dedications by subdividers for parks.  
Referred to Committee on Parks and Recreation.

ENGROSSED HOUSE BILL NO. 338, by Representatives Oliver, Isaacson and Sprague:  
Extending the time period for marriage solemnization.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 358, by Representatives Burns, Bender, Eng, Lux, Charnley, Nelson (D), Kreidler, King, Maxie, Haley, Grimm, Pruitt, Isaacson and Bauer:  
Abolishing certain fees at community colleges for certain students seeking to finish their high school education.  
Referred to Committee on Higher Education.

SECOND SUBSTITUTE HOUSE BILL NO. 370, by Committee on Appropriations (originally sponsored by Representatives Bender, Chandler, Charnley, Gruger, Burns, Eng, Valle, Nelson (G), Winsley, Brekke, Teutsch, Pruitt, Schmitten, Nelson (D), Mitchell and Douthwaite):  
Mandating funds for programs for gifted students.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 395, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Whiteside, Thompson, Haley, Pruitt, Gruger, Wilson, Salatino, McCormick, Mitchell, Schmitten, Taller, Bauer, King, Lux, Kreidler, Erak, Newhouse, Deccio, Martinis and Brown):  
Revising laws regulating chiropractors.  
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 427, by Representatives Smith R., Newhouse, Thompson, Winsley, Knowles, Chandler, Sherman, Haley and Erak:  
Limiting the use of search warrants.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 433, by Representatives Barr, Valle and Granlund:  
Updating certain powers of the department of ecology.  
Referred to Committee on Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 437, by Committee on Education (originally sponsored by Representatives Chandler, Heck, Nelson (G.A.), Dunlap, Bender, Bauer, Eng, Maxie, Fuller and Mitchell):

Making miscellaneous changes to educational clinic law.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 438, by Committee on Social and Health Services (originally sponsored by Representatives Gruger, Adams, Fancher, Haley, Brekke, Tupper, Taller, Erickson, Sherman, Lux, Pruitt, Kreidler, D. Nelson and Burns):

Establishing law enforcement procedures for domestic violence cases.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 446, by Committee on Ecology (originally sponsored by Representatives Thompson, Barr and Chandler):

Conditioning certain water permits.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 450, by Representatives Adams, Haley, Gruger, Mitchell, May, Thompson, Whiteside, Brekke, Schmitt, Barr, King, Bauer, Brown, Salatino, Becker, Kreidler, Scott, Williams, Maxie and Lux:

Requiring continuing education for nurses.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 451, by Committee on Transportation (originally sponsored by Representatives Gallagher, Martinis, Wilson, C.P. Smith, Clayton and Garrett):

Establishing new procedures for the removal of abandoned motor vehicles from private property.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 471, by Committee on Judiciary (originally sponsored by Representatives Eberle, Barnes, Warnke, R. Smith, Tilly, Newhouse, Winsley, Knowles, Sherman, Chandler and Rohrbach):

Repealing the existing law, and creating a new law on found personal property.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 498, by Committee on Judiciary (originally sponsored by Representatives O'Brien and Garrett) (by Governor Ray request):

Modifying terms of imprisonment for certain crimes.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 500, by Committee on Appropriations (originally sponsored by Representatives Galloway, Whiteside, Maxie, Dawson, Winsley, Sommers, Lux, O'Brien, North, Bauer, Bender, Brekke and Haley) (by Governor Ray request):

Modifying the retirement systems of public employees, teachers, and state patrol officers.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 502, by Committee on Education (originally sponsored by Representatives Gruger, Chandler, Erickson, Heck, Galloway, Zimmerman, Williams, Pruitt, Kreidler, Brekke, Lux, Schmitt, Mitchell and Haley) (by Executive request):

Providing for immunization of the children in this state.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 514, by Representatives Newhouse and Smith (Rick):

Authorizing the governor to accept retrocession of real property by the United States.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 515, by Committee on State Government (originally sponsored by Representatives Kreidler, Taller and Keller):

Providing for increased fund raising activities for the capitol museum.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 535, by Committee on Transportation (originally sponsored by Representative Valle):

Providing exemptions from regulation for common carriers to certain motor freight carriers.

Referred to Committee on Transportation.

HOUSE BILL NO. 537, by Representatives O'Brien, Winsley, Erickson, Bond, McGinnis, Addison and Greengo:

Providing a deduction from business and occupation taxes for certain funeral home receipts.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 540, by Representatives Ehlers and Erickson:

Providing deduction from business and occupation tax, and exemptions from sales and use taxes for nonprofit organizations, bazaars or rummage sales.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 542, by Representatives Bauer, Chandler, Erickson, Barnes, Blair, Thompson, Patterson, Galloway, Heck, Whiteside, McGinnis, Taylor and Hurley:

Abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 551, by Committee on Judiciary (originally sponsored by Representatives Brown, Winsley, Gallagher, Pruitt, Vrooman, Jovanovich, Scott, Owen, Granlund, R. Smith, Erickson, Grimm, Walk, Brekke, McGinnis, Burns, D. Nelson, Clayton, Hughes, North, Tilly, Hurley, Bender and C.P. Smith):

Prohibiting pornography involving children.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 571, by Representatives Smith (R), Newhouse, Knowles, Tilly and Isaacson:

Modifying the criminal records privacy act.

Referred to Judiciary Committee.

HOUSE BILL NO. 604, by Representatives Kreidler, Struthers, Burns, Teutsch and Fuller:

Establishing a continuing education requirement for funeral directors and embalmers.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 615, by Committee on Judiciary (originally sponsored by Representatives Polk, R. Smith and Warnke):

Establishing priorities for distributing child support payments.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 628, by Representatives Barnes, Nelson (D), Bond and Charnley:

Authorizing police forces for community colleges and the provision of death or disability provisions for its staff.

Referred to Committee on Higher Education

HOUSE BILL NO. 638, by Representative Barr:

Exempting seasonal recreational lots from the Mobile Home Landlord-Tenant Act.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 639, by Committee on Transportation (originally sponsored by Representatives Sherman, Charnley and Wilson):

Regulating private carriers.

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 644, by Committee on Judiciary (originally sponsored by Representatives Tilly, Gallagher, R. Smith, Newhouse and Clayton):

Protecting against the use of fraudulent stop-payment orders.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 645, by Representatives Heck, Chandler, Bender, Williams, Grimm, Bauer, Vrooman and Erickson (by Superintendent of Public Instruction request):

Implementing law relating to use of school plants for community activities and making an appropriation therefor.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 650, by Representatives Clayton, Lux and Scott (by Employment Security Department request):

Establishing civil penalties for late or inaccurate employer reports under unemployment compensation.

Referred to Committee on Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 665, by Committee on Judiciary (originally sponsored by Representatives Chandler, Thompson, Rosbach, Heck, Teutsch, Sherman, Haley, Newhouse and Fuller):

Providing a program for the evaluation and treatment of alcohol related traffic offenders.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 689, by Representatives Hughes, Owen, Grimm, Schmitt, Barr, Sherman, Heck, Williams, Nisbet, McGinnis, Vrooman, Keller, Sommers, Walk, Galloway, Monohon, Scott, Granlund, Pruitt, Hurley and Addison:

Requiring persons convicted of littering to pick up or remove the deposited litter.

Referred to Committee on Ecology.

SUBSTITUTE HOUSE BILL NO. 703, by Committee on Revenue (originally sponsored by Representatives Struthers, Kreidler, Fancher, Barr, Hastings, Amen, McGinnis and Isaacson):

Modifying the B & O tax law.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 706**, by Committee on Appropriations (originally sponsored by Representatives Burns and Haley) (by Office of Financial Management request):

Authorizing the director of financial management to evaluate and satisfy certain sundry claims against the state.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 715**, by Committee on State Government (originally sponsored by Representative Pruitt):

Establishing a pilot program of cardiovascular health promotion.

Referred to Committee on State Government.

**SUBSTITUTE HOUSE BILL NO. 725**, by Committee on Judiciary (originally sponsored by Representatives Sherman, Warnke, Charnley, G.A. Nelson, Burns, Isaacson, Douthwaite, Greengo and Eberle):

Protecting employees' rights to their own inventions.

Referred to Judiciary Committee.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 748**, by Committee on Judiciary (originally sponsored by Representatives Knowles, Newhouse, Dawson, Sanders and Fuller):

Granting immunity to insurance companies which provide information on possible arson fires to investigating agencies.

Referred to Judiciary Committee.

**HOUSE BILL NO. 750**, by Representatives Martinis, Douthwaite, Charnley, Chandler and Lux (by Department of Transportation request):

Establishing minimum funding levels for trails along roadways.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 751**, by Committee on Transportation (originally sponsored by Representatives Wilson and Martinis) (by Department of Transportation request):

Restructuring highway priority programming.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 755**, by Committee on Transportation (originally sponsored by Representatives Charnley, Wilson, Burns, Garrett, Sherman and Bender):

Providing for rights, duties, and penalties when a vehicle is left on the highway.

Referred to Committee on Transportation.

**HOUSE BILL NO. 762**, by Representatives Winsley and Eng:

Authorizing savings and loan associations to permit use of negotiable transfer from accounts.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 768**, by Committee on Appropriations (originally sponsored by Representatives Burns, Blair, Douthwaite, Patterson, Chandler and McGinnis):

Modifying the higher education annuities and retirement income plans.

Referred to Committee on Ways and Means.

**ENGROSSED HOUSE BILL NO. 781**, by Representatives Smith (Rick) and Craswell (by Department of Natural Resources request):

Providing for geoduck and clam licenses.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 782, by Representatives Douthwaite, Taller and McDonald (by Department of Retirement Systems request):  
Removing inequities in the retirement system.  
Referred to Committee on Ways and Means.

HOUSE BILL NO. 785, by Representatives McDonald, Taller and Douthwaite (by Department of Retirement Systems request):  
Revising the law on retirement.  
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 791, by Committee on Appropriations (originally sponsored by Representatives Taller, Douthwaite and McDonald) (by Department of Retirement request):

Making miscellaneous changes to the laws on retirement from public service.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 799, by Committee on State Government (originally sponsored by Representatives Taller and Ehlers) (by Department of Social and Health Services request):

Exempting certain positions in the department of social and health services from the state civil service law.

Referred to Committee on State Government.

HOUSE BILL NO. 807, by Representatives Thompson and Blair (by Deferred Compensation Committee request):

Allowing certain investments of deferred compensation funds.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 814, by Representatives Charnley, Wilson, Valle and Jovanovich:

Establishing certain duties for the last driver of a runaway car involved in an accident.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 821, by Representatives Sanders, Owen, Warnke, Deccio, Fancher, Gallagher, Greengo, Walk, Nelson (D), McGinnis, Addison, Smith (C), Nisbet, Fuller, Zimmerman and Williams:

Providing for review of proposed agency rules to minimize adverse impact on small businesses.

Referred to Committee on Commerce.

HOUSE BILL NO. 845, by Representative Keller (by Insurance Commissioner request):

Revising insurance licenses.

Referred to Committee on Financial Institutions and Insurance.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 858, by Committee on Institutions (originally sponsored by Representatives Struthers, McGinnis, Houchen and Smith (C)):

Requiring recipients to pay the costs of various social and health services.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 862, by Representatives North, Zimmerman, Thompson, Sherman and Teutsch:

Reimbursing class AA county hospital trustees for travel expenses.

Referred to Committee on Local Government.

HOUSE BILL NO. 888, by Representatives Zimmerman and Heck:

Authorizing use of a rehabilitation center.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 898**, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Whiteside, Becker and Adams):

Revising laws relating to health officers.

Referred to Committee on Social and Health.

**HOUSE BILL NO. 903**, by Representatives Teutsch and Zimmerman (by Secretary of State request):

Revising requirements for recording and filing documents for private organizations.

Referred to Committee on State Government.

**HOUSE BILL NO. 913**, by Representative Schmitt:

Revising laws relating to use of certain areas for aquaculture.

Referred to Committee on Natural Resources.

**HOUSE BILL NO. 919**, by Representatives King, Warnke, Fancher, Newhouse and Winsley (by Public Employment Relations Commission request):

Removing record-keeping requirement for marine employee labor disputes.

Referred to Committee on Labor.

**HOUSE BILL NO. 923**, by Representatives King, Warnke, Newhouse and Winsley (by Public Employment Relations Commission request):

Modifying the terms of office, salary, and duties of the public employment relations commission.

Referred to Committee on Labor.

**ENGROSSED HOUSE BILL NO. 933**, by Representatives Patterson, Keller, Erickson and Mitchell:

Revising the provisions relating to annexation of territory by public hospital districts.

Referred to Committee on Social and Health Services.

**ENGROSSED HOUSE BILL NO. 954**, by Representatives Sanders and Garrett:

Revising laws relating to annexation by code cities.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 972**, by Committee on Local Government (originally sponsored by Representatives Rohrbach, Barnes and Garrett):

Permitting cities to combine with fire protection districts.

Referred to Committee on Local Government.

**SUBSTITUTE HOUSE BILL NO. 1013**, by Committee on Energy and Utilities (originally sponsored by Representatives Sherman, Haley and Charnley):

Exempting certain companies and facilities using cogeneration processes from regulation as public service companies.

Referred to Committee on Energy and Utilities.

**SUBSTITUTE HOUSE BILL NO. 1018**, by Committee on Insurance (originally sponsored by Representative Douthwaite):

Authorizing associations to have group insurance on lives of members.

Referred to Committee on Financial Institutions and Insurance.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031**, by Committee on Transportation (originally sponsored by Representatives Martinis and Wilson):

Directing various transportation studies.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 1045**, by Committee on Appropriations (originally sponsored by Representative McDonald) (by Department of Retirement request):

Governing retirement coverage of CETA employees.  
Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 1057**, by Committee on State Government (originally sponsored by Representatives Taller and Ehlers):

Specifically excepting certain contracts for services from coverage of the state higher education personnel law and the state civil service law.

Referred to Committee on State Government.

**HOUSE BILL NO. 1106**, by Representatives Struthers and Becker (by Department of Social and Health Services request):

Providing for prisoner leaves of absence for volunteer community service projects and for medical and dental care.

Referred to Committee on Social and Health Services.

**HOUSE BILL NO. 1115**, by Representatives Burns, Blair, Walk, Fuller and Winsley (by Executive request):

Consolidating the administrative support functions of certain boards.

Referred to Committee on State Government.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1121**, by Committee on Insurance (originally sponsored by Representative Garrett):

Revising laws relating to insurance.

Referred to Committee on Financial Institutions and Insurance.

**SUBSTITUTE HOUSE BILL NO. 1126**, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representative Eberle):

Delaying the legislative session following the election of a new governor.

Referred to Committee on Constitution and Elections.

**ENGROSSED HOUSE BILL NO. 1133**, by Representative Sanders:

Defining and regulating "continuing political funds".

Referred to Committee on Constitution and Elections.

**SUBSTITUTE HOUSE BILL NO. 1196**, by Committee on Commerce (originally sponsored by Representative Struthers):

Implementing law relating to gambling.

Referred to Committee on Commerce.

**SUBSTITUTE HOUSE BILL NO. 1210**, by Committee on Education (originally sponsored by Representatives Galloway, Whiteside, Vrooman, Erickson, Van Dyken and Zimmerman):

Authorizing certain exceptions relating to second class school districts respecting beneficial interests in contracts.

Referred to Committee on Education.

**HOUSE BILL NO. 1221**, by Representatives Oliver and Erickson:

Regulating state agency lobbying.

Referred to Committee on Constitution and Elections.

**HOUSE BILL NO. 1241**, by Representatives Hurley, Fuller and Brown:

Providing a property tax exemption for property held for park purposes by nonprofit organizations.

Referred to Committee on Parks and Recreation.

**ENGROSSED HOUSE BILL NO. 1263**, by Representatives Polk, Knowles, Newhouse and Sherman:

Requiring bonds for certain actions against public bodies.

Referred to Judiciary Committee.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1281**, by Committee on Parks and Recreation (originally sponsored by Representatives Tilly, Hurley, Schmitten, Barr and Fancher):

Regulating snow mobiles.

Referred to Committee on Parks and Recreation.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307**, by Committee on Transportation (originally sponsored by Representatives Patterson, Gallagher, Tilly, Garrett and McCormick):

Restraining ferry system operating expenses.

Referred to Committee on Transportation.

**SUBSTITUTE HOUSE BILL NO. 1308**, by Committee on Judiciary (originally sponsored by Representatives Ehlers, May, King, Walk, Grimm, Barnes, Erickson, Bender, Mitchell, Charnley, Gruger and Burns):

Changing the laws concerning landlord and tenant in mobile home parks.

Referred to Judiciary Committee.

**SUBSTITUTE HOUSE BILL NO. 1347**, by Committee on Institutions (originally sponsored by Representatives Struthers and Becker):

Permitting the exemption of certain mental health services to school children from changing of fees.

Referred to Committee on Social and Health Services.

**SUBSTITUTE HOUSE BILL NO. 1359**, by Committee on Institutions (originally sponsored by Representative Becker):

Relating to insurance of juvenile community service workers.

Referred to Judiciary Committee.

**HOUSE JOINT MEMORIAL NO. 16**, by Representatives McCormick, Clayton, Douthwaite, Haley, Keller, Isaacson, Nelson (D) and Oliver:

Requesting Congress to clear the regulatory barriers on gasohol production.

Referred to Committee on Energy and Utilities.

**SUBSTITUTE HOUSE JOINT RESOLUTION NO. 26**, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representatives Tilly, Nisbet, Schmitten, O'Brien, Addison, Hurley, Eberle, Oliver, Mitchell, Houchen, Bond, Rohrbach, Struthers, Tupper, Sprague, McGinnis, McDonald, Teutsch, Fancher, May, Fuller and Williams):

Amending the Constitution in regard to sectarian influence.

Referred to Committee on Constitution and Elections.

**SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6**, by Committee on Social and Health Services (originally sponsored by Representatives Becker, Whiteside, Adams, Zimmerman, King, Polk, Gruger and Galloway):

Establishing a task force on children and families.

Referred to Committee on Social and Health Services.

#### MOTION

On motion of Senator Walgren, the following Senate measures were rereferred to the Committee on Rules: 2004, 2215, 2315, 2351, 2363, 2405, 2455, 2501, 2530, 2570, 2616, 2720, 2722, 2764, 2850, 2871, 2879, 2933, 3038, 3094, 3105, 3106, SJM 110, SJR 109, SJR 116.

## PRESENTATION BY SENATOR TALLEY

With permission of the Senate, business was suspended to permit Senator Talley to present Senator Odegaard a gavel as a gift from Senator Talley to the Caucus Chairman.

## MOTION

At 10:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:00 noon.

## NOON SESSION

The President called the Senate to order at 12:00 noon.

## MOTION

At 12:00 noon, on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 1:45 p.m.

## MOTION

At 1:47 p.m., on motion of Senator Marsh, the Senate recessed until 3:20 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:20 p.m.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3033.

## SECOND READING

SENATE BILL NO. 3033, by Senators Gaspard, Benitz and Hansen:  
Changing the laws concerning irrigation districts.

## MOTIONS

On motion of Senator Hansen, Second Substitute Senate Bill No. 3033 was substituted for Senate Bill No. 3033 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Hansen, the following amendments were adopted:

On page 2, line 8, after "community" insert "and hydroelectric facilities"

On page 2, line 14, after "districts." insert "Nothing herein shall authorize an irrigation district to sell electric power or energy to any municipal corporation not engaged in the distribution of electric power or energy."

On page 7, line 15, strike "or power" and insert "~~(or power)~~".

On motion of Senator Hansen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3033 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 Guess, what is available if we use our common sense in the way of power generation. I am thinking possibly of two sites we have locked up on the Snake River for river rafting for some people and there is an additional site on the Columbia. What are those and what power generation would be available?"

Senator Guess: "Senator Rasmussen, I don't know exactly. I haven't taken the opportunity to sit down with the calculator and tell you exactly the untapped hydro potential. I have a feeling that the upstream and what is known as the high storage capabilities have not been utilized at all in the Columbia Basin system. There was a decided effort made in 1945 and 1946 to utilize the upstream storage as well as the downstream storage.

"At the time we were figuring on this, working in the Corps of Engineers down in Portland, Oregon, there was approximately 20 million acre feet of storage in the upper reaches of the Columbia Basin. They decided to go with the 20 million acres feet of storage in the Lower Basin plus the Canadian projects which have come on since that time but I would say that if we were to properly utilize the highest upstream storage, the remaining downstream storage and the pump storage, we could double the generating capacity that has been developed in the hydroelectric field in the state of Washington."

Senator Rasmussen: "What we have on line now could be doubled if we utilized all available resources."

Debate ensued.

## POINT OF INQUIRY

Senator North: "Senator Gaspard, I see that there is an emergency clause on this bill. Could you explain to me the reason for this? The very last section."

Senator Gaspard deferred to Senator Bottiger.

Senator Bottiger: "Senator North, Seattle City Light and Tacoma City Light have been contracting with, I believe, the Kittitas irrigation district to put in that hundred megawatt plant that Senator Hansen mentioned to you and the sooner we get that on, I grant you it is only thirty, fifty days but the sooner they can begin construction on that the sooner we would have that capability on line. For that reason, it is an emergency. You and I have shared some figures that we will be talking about on energy day about how big the emergency is but the sooner this program could get in line the better off we would all be."

Senator North: "Okay. Thank you."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3033, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2896.

## SECOND READING

SENATE BILL NO. 2896, by Senators Conner, Morrison and Rasmussen: Implementing the law relating to fund raising events under gambling law.

## REPORT OF STANDING COMMITTEE

March 26, 1979.

SENATE BILL NO. 2896, implementing the law relating to fund raising events under gambling law (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 12, beginning on line 25, strike all of section 2.

On page 1, line 5 of the title, after "9.46.020" strike "; and declaring an emergency".

Signed by: Senators Van Hollebeke, Chairman; Morrison, Quigg.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendment was adopted.

On motion of Senator Van Hollebeke, the committee amendment to the title was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2896 was advanced to third reading, the second 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. 2896 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Hansen, Hayner, Henry, Jones, Lewis, Marsh, Matson, Moore, Morrison, Odegaard, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—36.

Voting nay: Senators Bluechel, Goltz, Gould, Guess, Lee, McDermott, Newschwander, North, Pullen, Ridder, Scott—11.

Excused: Senators Keefe, Lysen—2.

ENGROSSED SENATE BILL NO. 2896, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

## REPORT OF STANDING COMMITTEE

SENATE BILL NO. 2867, establishing two pacific northwest festival facilities (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended and be rereferred to Committee on Ways and Means.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Quigg.

Rereferred to Committee on Ways and Means.

April 3, 1979.

SUBSTITUTE HOUSE BILL NO. 1057, specifically excepting certain contracts for services from coverage of the state higher education personnel law and the state civil service law (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Passed to Committee on Rules for second reading.

MOTION

At 3:50 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Wednesday, April 3, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**FIFTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Wednesday, April 4, 1979.

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, Fleming and Keefe. On motion of Senator Wilson, Senators Donohue, Fleming and Keefe were excused.

The Color Guard, consisting of Pages Alison Jones and Steve Shaw, presented the Colors. Father Herbert Pins, assistant pastor of St. Michael's Church of Olympia, offered the following prayer:

"GOD OUR FATHER, YOU HAVE PLACED ALL THE POWERS OF NATURE UNDER THE CONTROL OF MANKIND AND OUR COMMON EFFORTS. LOOK KINDLY UPON US AND EASE OUR BURDENS OF RESPONSIBILITY, BY TRUST AND CONFIDENCE IN YOUR GUIDING HAND.

"WE PRAISE YOU, THE SOURCE OF ALL WE HAVE AND ALL THAT WE ARE! GIVE US CLARITY OF MIND AND HEART, TO SEEK FURTHER LIGHT AND TRUTH WHEN WE ARE UNSURE OF THE WISDOM YOU HAVE INTENDED. AND GIVE US RENEWED PURPOSE AND CONVICTION FOR THOSE PRINCIPLES AND TRUTHS WHICH OUR PIONEER ANCESTORS HELD AS YOUR WISDOM AND PLAN FOR THIS LAND. MAY OUR DEDICATED AND PRAYERFUL LIVES BE FITTING PRAISE FOR YOUR NAME. AMEN."

**MOTION**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

April 2, 1979.

ENGROSSED HOUSE BILL NO. 335, authorizing new community college district and providing for transfer of property, records, and personnel thereto (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Benitz, Guess, Scott.

MINORITY recommendation: Do not pass.

Signed by: Senators Odegaard, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

April 2, 1979.

ENGROSSED HOUSE BILL NO. 357, placing student associations at institutions of higher education under open public meetings act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Goltz, Chairman; Guess, Odegaard, Shinpoch.

Passed to Committee on Rules for second reading.

April 3, 1979.

**SUBSTITUTE HOUSE BILL NO. 1018**, authorizing associations to have group insurance on lives of members (reported by Committee on Financial Institutions and Insurance):

Recommendation: Do pass.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

### REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

April 2, 1979.

**MARY E. HERSEY**, to the position of member of the Commission for Vocational Education, appointed by the Governor on October 10, 1978, for the term ending July 1, 1983, succeeding Thomas Hyslop (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Goltz, Chairman; Odegaard, Shipoch, von Reichbauer.

Passed to Committee on Rules.

April 2, 1979.

**HENRY SEIDEL**, to the position of member of the Board of Trustees, Community College District No. 8, appointed by the Governor on March 8, 1979, for the term ending September 30, 1979, succeeding Delores Teutsch (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shipoch.

Passed to Committee on Rules.

### MESSAGE FROM THE HOUSE

April 3, 1979.

Mr. President: The House has passed:

**SUBSTITUTE HOUSE BILL NO. 299**,

**SUBSTITUTE HOUSE BILL NO. 430**,

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 527**,

**SUBSTITUTE HOUSE BILL NO. 810**,

**SECOND SUBSTITUTE HOUSE BILL NO. 1141**, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

**SUBSTITUTE HOUSE BILL NO. 299**, by Committee on Revenue (originally sponsored by Representatives G.A. Nelson and Sommers):

Modifying the 106% levy lid calculation.

Referred to Committee on Ways and Means.

**SUBSTITUTE HOUSE BILL NO. 430**, by Committee on Appropriations (originally sponsored by Representative Blair):

Making new judges members of the public employees' retirement system.

Referred to Committee on Ways and Means.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 527, by Committee on Appropriations (originally sponsored by Representatives Schmitten, Bender, Winsley, Oliver, Vrooman, Barr, Walk and Grimm):

Providing compensation for the workers and political subdivisions for search and rescue activities.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 810, by Committee on Revenue (originally sponsored by Representatives Barr, Sommers, Craswell, Thompson and Fuller):

Modifying the law on forest lands and open space, agricultural, and timber lands.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 1141, by Committee on Appropriations (originally sponsored by Representatives Hurley, Zimmerman, North, Winsley, Charnley, Fuller, Granlund, Nelson (G), Clayton, Sprague, Wilson and Tilly):

Establishing a reservation system for state park campsites.

Referred to Committee on Parks and Recreation.

#### POINT OF INQUIRY

Senator Day: "Senator von Reichbauer, I notice that this bill establishes a reservation system. Now does that bill properly belong in the parks and recreation and if it goes to there, does that mean that you are going to be on a reservation after this bill goes through?"

Senator von Reichbauer: "If I go on a reservation and am allowed to fish like those on the reservation, I would be happy to go on a reservation."

#### SECOND READING

SENATE BILL NO. 3044, by Senator Van Hollebeke:

Relating to moorage.

#### MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 3044 was substituted for Senate Bill No. 3044 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, the following amendments were considered and adopted simultaneously:

On page 1, line 6, after "an" strike "object" and insert "vessel"

On page 1, line 9, after "state" insert "except federally designated anchorage"

On page 1, line 10, after "for the" strike "object" and insert "vessel"

On page 1, line 12, after "Removal of the" strike "object" and insert "vessel"

#### MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 3044, as amended, will be further considered following Senate Bill No. 2585.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2585.

## SECOND READING

SENATE BILL NO. 2585, by Senators Goltz, Clarke, Wilson and Lysen:

Continuing for two additional years the reciprocity program with British Columbia on tuition and fees in institutions of higher education including graduate students therein.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 2585 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, you are familiar with the enrollment at Western. What has been the experience up there on the number of Canadians we have registering at Western?"

Senator Goltz: "The number of Canadian students which have enrolled at Western has increased. I believe that the total number of full time Canadian students at Western is now 197 out of a total student body of 9,200 or something like that."

Senator Rasmussen: "The fee that we charge these students is the same as Western charges other students?"

Senator Goltz: "Yes, these students pay the residential fee for Washington students when they come to Washington, just as we pay the British Columbia fee when our students go there. It is true reciprocity in that sense.

"I think what we might want to do is to study in the next two years whether or not there is an uneven distribution between the two jurisdictions as the Oregon-Washington law provides. There would be a repayment for increased numbers from one jurisdiction to the other and I think that is something we ought to examine in the next two or three years."

Senator Rasmussen: "Further question. Do we extend this same reciprocity to Montana and Idaho?"

Senator Goltz: "We do not have reciprocity arrangements with any other jurisdiction now except Oregon, and that is a partial reciprocity involving only the counties along the Columbia river, on both sides of the Columbia river."

Senator Rasmussen: "And what you are now searching for for another two years is for more information?"

Senator Goltz: "That is correct."

Senator Rasmussen: "As to the students, you know the students in Washington but you do not know the number of our people who go up to Canada?"

Senator Goltz: "I think there are fewer U.S. students going to British Columbia universities than there are British Columbia students coming to Washington universities. I think that is quite clear but I think the exact numbers are unknown because in many cases a Washington student who takes residence in British Columbia giving his residence, they do not necessarily ask the question as to what his nationality is so I am not even sure they know how many of our students are in their universities."

Senator Rasmussen: "One more question. What is the difference between the resident and the nonresident tuition?"

Senator Goltz: "I am not sure. It is a substantial amount. I believe it is on the order of \$1,000 a year."

## REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "In answer, Senator Rasmussen, last week I heard Governor Ray make the statement that 357 Canadians come down to Western and I

have heard two figures of 27 and 47 of our students go up there. So there is a difference of about 300 students, and what you look at what the state puts out above the tuition costs, you are looking at maybe several thousand dollars per student it is costing the state. Also, it is my understanding before we had this bill that British Columbia did not charge our students out-of-state tuition when they went up there so if that is true, it is a one-way street as far as I am concerned."

### REMARKS BY SENATOR GOLTZ

Senator Goltz: "Mr. President, the point is that they do not charge an out-of-province tuition and we do not charge an out-of-state tuition for them, so reciprocity is on the same basis."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2585, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 3.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—38.

Voting nay: Senators Benitz, Jones, Matson, Newschwander, Rasmussen, Scott, Sellar, von Reichbauer—8.

Excused: Senators Donohue, Fleming, Keefe—3.

SENATE BILL NO. 2585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 3044, by Committee on Commerce (originally sponsored by Senator Van Hollebeke):

Relating to moorage.

The Senate resumed consideration of Substitute Senate Bill No. 3044 as amended by Senator Van Hollebeke earlier today.

Senator Marsh moved adoption of the following amendment:

On page 1, after line 18, insert the following:

"NEW SECTION. Sec. 2. This chapter may be known and cited as the floating home landlord-tenant act.

NEW SECTION. Sec. 3. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 4. For the purposes of this chapter:

(1) "Landlord" means the owner of a floating home moorage business and includes the agents of a landlord;

(2) "Floating home site" means a portion of a floating home moorage located over water designated or otherwise made available and intended by the owner as the moorage location of a floating structure, and its accessory buildings, constructed on a float or nonnavigable barge, the primary use of which is intended for the non-transient human habitation use of the occupants of the floating home. A navigable waterborne boat, ship, or vessel, regardless of size or propellant power, is not a floating home within the meaning and definition of floating home or accessory building(s) set forth in this chapter;

(3) "Floating home moorage" means any waterfront or wetland facility for the mooring, anchoring, or other securing of one or more floating homes, and the land and water premises on which the moorage is located, any portion of which is rented or held out for rent to others for the placement of one or more floating homes for the primary purpose of production of rental or moorage fee income to the lessor.

The definition of floating home moorage does not apply to those portions of real properties, waterfront, or wetland facilities used by a landlord for the placement of floating homes for the purpose of service, repair, storage without human habitation, use, or for day-to-day transient human habitation use for periods not to exceed thirty days of continuous duration where the transient day-to-day habitation is related to the purpose of service, repair, storage without human habitation use, or transient use;

(4) "Tenant" means any person, except a transient, who rents a floating home site;

(5) "Transient" means any person who rents a floating home site for a period of less than one month.

**NEW SECTION.** Sec. 5. This chapter regulates and determines legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a floating home site. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW is applicable only in implementation of this chapter and not as an alternative remedy to this chapter, which shall be exclusive where applicable: PROVIDED, That RCW 59.12.090, 59.12.100, and 59.12.170 do not apply to any rental agreement included under this chapter. RCW 59.18.370 through 59.18.410 are applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under this chapter; and RCW 90.58.050 applies to floating home moorages and sites. Rentals of floating homes themselves are governed by the Residential Landlord-tenant Act, chapter 59.18 RCW.

**NEW SECTION.** Sec. 6. (1) On and after September 30, 1979, no landlord may offer a floating home site for rent or moorage fee without offering to the prospective tenant a written rental agreement for a term of not less than one year. A prospective tenant who desires to occupy a floating home site for less than a term of one year or more may have the option to be on a month-to-month oral or written lease basis but must waive, in writing, the right to such one year or more term. Except pursuant to such waiver, no landlord shall allow a floating home to be moved into a floating home moorage in this state until a written rental or moorage fee agreement has been signed by the landlord and the tenant and a copy provided the tenant: PROVIDED, That if the landlord allows the tenant to move his or her floating home into a floating home moorage and a written rental or mortgage fee agreement has not been executed by the parties or the rental agreement or moorage agreement is silent as to the length of the term and no written waiver of the one-year term requirement has been executed, the term will be presumed to be for one year from the date of occupancy of the moorage site.

(2) The requirements of subsection (1) of this section do not apply if:

(a) The respective floating home moorage or respective part thereof has been acquired or is under imminent threat of condemnation for a public works project;

(b) An employer-employee relationship exists between the landlord and tenant;

or

(c) The landlord is a lessee or devisee for term of the floating home moorage and, at the time of the offer to rent or for moorage fee to the prospective tenant, the landlord's tenancy or devise will expire in less than the otherwise one-year term, and there exists no option to extend or renew, in which event the offer to rent to the prospective tenant may be on a written month-to-month tenancy conditioned on the tenant being offered a new written rental agreement by the landlord for a term as

provided in subsection (1) of this section if the landlord during any such monthly tenancy acquires or is devised a fee or leasehold interest in the floating home moorage; whereby from the date of the acquisition or devise the landlord's fee or leasehold interest would enable a rental or moorage for a term of not less than one year.

(3) This section applies to any floating home site tenancy in existence prior to September 30, 1979, upon expiration of the term of any oral or written rental agreement governing the tenancy.

**NEW SECTION.** Sec. 7. (1) Any rental agreement executed between the landlord and tenant shall contain:

(a) The terms for the payment of rent, including time, place, and person within the county of the floating home moorage to whom the rent or moorage fee shall be delivered, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized when billed to the tenant;

(b) Reasonable rules for applicable land or water guest parking or guest moorage, which shall be clearly stated;

(c) The rules and regulations of the floating home moorage;

(d) The name and address of the person who is the landlord. If the person does not reside in the county where the floating home moorage is located, there shall also be designated by name and address a person who resides in the county where the floating home moorage is located who is authorized to act as agent for the purposes of service of notice and process. If no designation is so made of a person to act as agent, then the person who is named by the landlord to whom rental payments are to be made or delivered within the county of the moorage shall be considered the agent; and

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in the rental agreement.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking or guest boat moorage unless a violation of the rules for guest parking or boat moorage occurs: **PROVIDED**, That a fee may be charged for guest parking or boat moorage which covers an extended period of time of twelve hours or more as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle or boat except upon notice to the owner thereof or the tenant whose guest is the owner or user of the vehicle or boat. "Vehicle" includes an automobile, truck, tractor, whether of the wheel or crawler type, and aircraft;

(c) Any provision which allows the landlord to increase the rent or alter the due date for rent payment during the term of the rental agreement: **PROVIDED**, That a rental agreement may include an escalation clause for a pro rata share of any increase in the floating home moorage's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter; or

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee."

**NEW SECTION.** Sec. 8. A landlord shall not:

(1) Deny any tenant the right to sell the tenant's floating home within a moorage or require the removal of the floating home from the moorage solely because of the sale thereof: **PROVIDED, That:**

(a) A rental agreement for a fixed term shall be assignable by the tenant to any person to whom the tenant sells or transfers title to the floating home, subject to the approval of the landlord after fifteen days' written notice to the landlord of such intended assignment and the landlord's right to require guarantee of the tenant for the balance of rentals or moorage fees to the end of the assigned term;

(b) The assignee of the rental agreement shall assume all the duties and obligations of the assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant; or

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements to the floating home or to the floating home moorage site: **PROVIDED, That door-to-door solicitation in the floating home moorage may be restricted in the rental agreement.**

**NEW SECTION.** Sec. 9. Tenancy during the term of a rental agreement may be terminated by the landlord only for one or more the of following reasons:

(1) Substantial or repeated violation of the rules of the floating home moorage as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant. The tenant shall be given written notice of a fifteen-day period in which to comply or vacate. In the case of periodic rather than continuous violation, the notice shall specify that the same violation repeated shall result in termination;

(2) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(3) Conviction of the tenant of a crime, commission of which has threatened or interfered with the health, safety, or welfare of the other floating home moorage tenants. The tenant shall be given written notice of a fifteen-day period following conviction, whether appealed, in which to vacate;

(4) Failure of the tenant, after receiving written notice of objection from the landlord, to abate a nuisance for which tenant or tenant's household members or guests are responsible in or about tenant's moorage site, causing substantial damage to the moorage property, or substantially interfering with the quiet and peaceful possession, safety, and enjoyment of other tenants and their properties.

**NEW SECTION.** Sec. 10. (1) Unless otherwise agreed, rental agreements shall be for a term of not less than one year. Any rental agreement for a term of one year and any rental agreement renewed for a six-month term shall be automatically renewed for one additional six-month term unless:

(a) Otherwise specified in the original written rental agreement; or

(b) The landlord notifies the tenant in writing three months prior to the expiration of the rental agreement or of any rental agreement renewed for a six-month term that it will not be renewed or will be renewed only with the changes contained in the notice.

A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(2) Except as in this chapter provided for payment of rent or moorage fee, the tenant may otherwise terminate the rental agreement upon thirty days written notice whenever a change in the location, of not less than twenty miles ground distance each way from the leased site, of the tenant's employment requires a change in the tenant's residence, and shall not be liable for rental following the termination unless

after due diligence and reasonable effort the landlord is not able to rent the floating home site at a fair rental or moorage fee. Unless otherwise defined in the rental agreement, fair rental or moorage fee as used in this subsection may not be less than eighty percent nor more than one hundred percent of the rental or moorage fee specified in the terminated agreement. If the landlord is not able to so rent the site, the tenant shall remain liable for the rental specified in the rental agreement until the site is rented or the original term or renewal thereof ends.

(3) Any tenant who is a member of the armed forces may terminate a rental agreement and payment of rent from date of vacating the site with less than thirty days notice if the tenant receives change of duty station orders which do not allow greater notice.

**NEW SECTION.** Sec. 11. Structural or affixed moorage improvements, purchased and installed by a tenant on a floating home site, shall remain the property of the landlord and may not be removed or disposed of by the tenant prior to or at termination of the tenancy unless otherwise agreed to by the landlord: **PROVIDED,** That a tenant shall leave the floating home site in substantially the same or better condition than upon taking possession.

**NEW SECTION.** Sec. 12. In any action arising out of this chapter, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

**NEW SECTION.** Sec. 13. Venue for any action arising under this chapter shall be in the district or superior court of the county in which the floating home site is located.

**NEW SECTION.** Sec. 14. The provisions of this chapter shall not be construed so as to preempt any local ordinance which is not inconsistent with this chapter.

Sec. 15. Section 5, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.050 are each amended to read as follows:

(1) On and after September 21, 1977, no landlord may offer a mobile home lot for rent without offering to a prospective tenant a written rental agreement for a term of one year or more. A prospective tenant who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month to month basis but must waive, in writing, the right to such one year or more term. Except pursuant to such waiver, no landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by the landlord and the tenant and a copy provided for the tenant(;;): **PROVIDED,** That if the landlord allows the tenant to move his or her mobile home into a mobile home lot and a written rental agreement has not been executed by the parties or the rental agreement is silent as to the length of term and no written waiver of the one year term requirement has been executed, the term will be presumed to be for one year from the date of occupancy of the mobile home lot.

(2) The requirements of subsection (1) of this section shall not apply if:

- (a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or
- (b) An employer-employee relationship exists between a landlord and tenant(;;).

(3) The provisions of this section shall apply to any tenancy in existence prior to September 21, 1977, upon expiration of the term of any oral or written rental agreement governing such tenancy.

**NEW SECTION.** Sec. 16. Sections 2 through 14 of this act shall constitute a new chapter in Title 59 RCW.

**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."

Debate ensued.

## POINT OF INQUIRY

Senator Clarke: "Senator Marsh, I note on page 12, section 13 does relate to mobile homes and as I recall the Mobile Home Act was a rather hotly debated issue. I do not recall whether there was any particular hearing on this section. In other words, it relates not only to these floating mobile homes but also you do amend the Mobile Home Act itself in section 14."

Senator Marsh: "I believe section 14 does not do as you state, Senator."

## REMARKS BY SENATOR DAY

Senator Day: "I believe that Senator Clarke meant section 15 in that question, Senator Marsh. Section 14 is a new section. Section 15 is an amendment to the existing code relative to mobile homes and the substantive changes are on page 13 underlined, provided."

## REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I think maybe I could clarify that. We had a problem arise. It is true that this section on page 13 of the bill, this does deal with amending the Mobile Home Act and the reason for that is that we did not put any teeth into the Mobile Home Act as far as what would happen if the landlord of the lot did not offer a one year lease to the mobile home owners and they went to court and what happens? There were not teeth in it. So what this says, that if the landlord allows the tenant to move his mobile home into the mobile home lot and a written agreement has not been executed by the parties or the rental agreement is silent, then it will be assumed that there is a one year lease.

"I think that this clarifies and puts some teeth into the law as was indicated that it was necessary by one of the judges before whom this issue arose. I think we have just taken care of that."

## POINT OF INQUIRY

Senator McDermott: "Senator Marsh, if a local jurisdiction such as a municipality has a stronger ordinance affecting floating homes, would this bill in any way preempt that local ordinance?"

Senator Marsh: "No, it would not, Senator. Section 14 specifically provides as follows: 'The provisions of this chapter shall not be construed so as to preempt any local ordinance which is not inconsistent with this chapter.' So the answer is no."

Senator McDermott: "Thank you."

Further debate ensued.

The motion by Senator Marsh carried and the amendment was adopted.

On motion of Senator Marsh, the following amendment to the title was adopted:

On page 1, on line 1 of the title, after "moorage;" insert "amending section 5, chapter 279, Laws of 1977 ex. sess. and RCW 59.20.050; adding a new chapter to Title 59 RCW;"

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Quigg: "Senator Van Hollebeke, do you feel it is the intention of the bill to cause leases to be taken out by people involved in the marine construction for barges that might be moored for that purpose and involved in that activity?"

Senator Van Hollebeke: "Definitely the intention of the bill. The department of natural resources said they need the bill. They have also, incidentally, assured me that recreational vessels will not be affected by any action they will take. The Coast Guard, the Army Corps of Engineers, and so forth have all been advised of what we are doing. Nobody has raised any objections."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Marsh, a new section on page 8 . . . 'the landlord shall not deny any tenant the right to sell or to require the removal of a floating home from the moorage solely because of the sale'. The fact that a sale has been made does not give the landlord any right, but if the new purchaser of the floating home became an undesirable tenant by reason of poor upkeep and so forth, would the landlord then be allowed to require removal?"

Senator Marsh: "The landlord would if there were violations of the rules for the floating home moorage and certainly there is a provision at the end of the tenancy, the one year period or if it is on a six month extension or if it is on the month to month basis, at the end of the tenancy he would have the right to remove them without cause or cause."

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Van Hollebeke, I am wondering, you spoke of a barge remaining in a fixed position thirty days or more. Does this same provision apply in Puget Sound?"

Senator Van Hollebeke: "Senator, I think the best answer I can give to your question is that all such questions have been resolved in the minds of the governing authorities that I have mentioned, the United States Coast Guard, the department of natural resources, the Corps of Engineers. They see no interference because of this in normal operation, commercial operation or recreational use of those waters."

Senator Rasmussen: "Senator, I am thinking of the port of Tacoma, off of the port of Tacoma, where frequently vessels are anchored for periods longer than that due to a shortage of cargo, not having any use for the particular ship at that time."

Senator Van Hollebeke: "I think I can answer the question you are getting to. It is a legitimate concern. The first four amendments we adopted were presented to me by a representative of the Washington Port Association. They feel that by amending the bill as we did they have everything necessary to continue operation as usual."

Senator Rasmussen: "Your answer is then that no, the department of natural resources would not be able to charge for vessels anchored in any navigable waters?"

Senator Van Hollebeke: "They would not do so."

Senator Rasmussen: "Thank you. With that answer, Senator Van Hollebeke, you have cleared up the matter if that is the intent of this legislation because Lake Washington is navigable waters and it would be the same as Puget Sound."

#### POINT OF INQUIRY

Senator Guess: "Senator, I want to apologize. I was off the floor trying to work on a nursing home problem and I was not in at the time that the amendment was adopted.

"It appears to me that we have adopted an amendment that has two parts which would be patently unconstitutional. This has to do with . . . 'this chapter shall be known as the floating home landlord tenant act' and yet in the back of the amendment we address the problem of the mobile home can be pulled into a park.

"Now it seems to me that, I think that everybody on this floor ought to be aware that we are actually committing an unconstitutional act where we say that if

the landlord allows a tenant to move his or her mobile home into a mobile home lot with a written agreement and so forth. Would you care to comment on the procedure?"

Senator Van Hollebeke: "My chief counsel in this matter, the eminent attorney Senator Dan Marsh, I think drafted the title amendment, the new title amendment that was offered. I would certainly like to have it clarified. The title amendment ought to read to cover the subjects. We are talking about moorage of vessels, whether they have wheels or float."

#### REMARKS BY SENATOR MARSH

Senator Marsh: "Senator Guess, I believe all the sections relate to tenancies. It is true that one is a floating home tenancy and the other one is a mobile home tenancy, but I would just point out if what you state is really a problem, new section 17 is a severability clause so I think the court could hold that section 15 possibly would be unconstitutional or beyond the scope of the title if it agreed with your position, and still uphold the remainder of the bill relating to moorages and moorage floating home site tenancies."

#### REMARKS BY SENATOR GUESS

Senator Guess: "Senator, I was taught by my peers when I came into this body that you do not fly in the face of the constitutionality when it is as clear as this one appears to be. The Constitution is explicit that a bill shall have on subject, the subject shall be reflected in the title of the bill and here we are, we are confusing the code reviser at best and at worst we are committing an unconstitutional act and the status of the bill is before us on third reading and I would just like to point that out to the body."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3044 and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—37.

Voting nay: Senators Guess, Lewis, Newschwander, Odegaard, Pullen, Rasmussen, Talley, Wilson—8.

Absent or not voting: Senator Henry—1.

Excused: Senators Donohue, Fleming, Keefe—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3044, having received the 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 Jones, Senators Bluechel and Matson were excused.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2658.

#### SECOND READING

SENATE BILL NO. 2658, by Senators Guess and Henry:

Providing for truck fees consistent with the international registration plan.

### MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2658 was substituted for Senate Bill No. 2658 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Substitute Senate Bill No. 2658 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2658, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Conner, Day, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senator Lysen—1.

Excused: Senators Bluechel, Donohue, Fleming, Keefe, Matson—5.

SUBSTITUTE SENATE BILL NO. 2658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 11:15 a.m., on motion of Senator Walgren, the Senate recessed until 12:05 p.m.

### NOON SESSION

The President called the Senate to order at 12:05 p.m.

### MOTION

At 12:05 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

### REPORTS OF STANDING COMMITTEES

SUBSTITUTE HOUSE BILL NO. 1, requiring a license for personal use of razor clams (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

April 3, 1979.

**SUBSTITUTE HOUSE BILL NO. 38**, establishing a program of training and career development for state civil service employees (reported by Committee on State Government):

Recommendation: Do pass as amended and be rereferred to Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott, Wanamaker.

Referred to Committee on Ways and Means.

April 4, 1979.

**HOUSE BILL NO. 58**, prohibiting blind bidding for feature motion pictures (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 4, 1979.

**SUBSTITUTE HOUSE BILL NO. 133**, modifying special purpose district contract and bid procedures (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 3, 1979.

**ENGROSSED HOUSE BILL NO. 645**, implementing law relating to use of school plants for community activities and making an appropriation therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 3, 1979.

**HOUSE BILL NO. 666**, allowing authorized transfers of students to another school district for indefinite periods (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 3, 1979.

**SUBSTITUTE HOUSE BILL NO. 715**, establishing a pilot program of cardiovascular health promotion (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, McDermott.

MINORITY recommendation: Do not pass as amended.

Signed by: Senator Wanamaker.

Passed to Committee on Rules for second reading.

April 4, 1979.

**SUBSTITUTE HOUSE BILL NO. 726**, implementing law relating to grant of franchises for use of right of way of county roads (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 3, 1979.

ENGROSSED HOUSE BILL NO. 781, providing for geoduck and clam licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Lysen, Newschwander, Odegaard, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

April 3, 1979.

SUBSTITUTE HOUSE BILL NO. 799, exempting certain positions in the department of social and health services from the state civil service law (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

April 4, 1979.

ENGROSSED HOUSE BILL NO. 862, reimbursing class AA county hospital trustees for travel expenses (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 3, 1979.

HOUSE BILL NO. 903, revising requirements for recording and filing documents for private organizations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

April 3, 1979.

HOUSE BILL NO. 913, revising laws relating to use of certain areas for aquaculture (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Quigg, Rasmussen, Talley, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1979.

ENGROSSED HOUSE BILL NO. 933, revising the provisions relating to annexation of territory by public hospital districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 3, 1979.

SUBSTITUTE HOUSE BILL NO. 1057, specifically excepting certain contracts for services from coverage of the state higher education personnel law and the state civil service law (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

April 3, 1979.

HOUSE BILL NO. 1115, consolidating the administrative support functions of certain boards (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gallagher, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

April 3, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1121, revising laws relating to insurance (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Day, Donohue, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

April 4, 1979.

SUBSTITUTE HOUSE BILL NO. 1196, implementing law relating to gambling (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Quigg.

Passed to Committee on Rules for second reading.

April 3, 1979.

SUBSTITUTE HOUSE BILL NO. 1210, authorizing certain exceptions relating to second class school districts respecting beneficial interests in contracts (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3069.

## SECOND READING

SENATE BILL NO. 3069, by Senators Bottiger and North:  
Establishing standards for heat pumps.

## REPORT OF STANDING COMMITTEE

February 15, 1979.

SENATE BILL NO. 3069, establishing standards for heat pumps (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13, after "(SMACNA)" strike all the matter down to and including "(ASHRAE)" on line 14 and insert "Heating and Air Conditioning Systems Installation Standards for One and Two Family Dwellings and Multifamily Housing Including Solar—3rd Edition 1977 or National Environmental Systems

Contractors Association (NESCA) Manual H—Heat Pump Equipment Selection & Application—1st Edition 1977"

Signed by: Senators Bottiger, Chairman; Benitz, Hayner, Lewis, Lysen, North, Wilson, Woody.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendment was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3069 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3069, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 5; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Talmadge, Van Hollebeke, Vognild, Walgren, Wanamaker, Wilson, Wojahn, Woody—39.

Voting nay: Senators Shinpoch, von Reichbauer—2.

Absent or not voting: Senators Conner, Lysen, Sellar, Talley, Williams—5.

Excused: Senators Donohue, Keefe, Matson—3.

ENGROSSED SENATE BILL NO. 3069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Wilson, Senators Lysen, Talley and Williams were excused.

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2394.

### SECOND READING

SENATE BILL NO. 2394, by Senators Moore and Sellar:

Providing travel allowances and increasing the compensation for the commissioners of special purpose districts.

### MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 2394 was substituted for Senate Bill No. 2394 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 2394 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2394, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones,

Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Bausch—1.

Excused: Senators Donohue, Keefe, Lysen, Matson, Talley, Williams—6.

SUBSTITUTE SENATE NO. 2394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2411.

#### SECOND READING

SENATE BILL No. 2411, by Senators Wilson, Sellar and Fleming:

Providing for payment by a local government of judgments against employees performing official duties.

#### MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2411 was substituted for Senate Bill No. 2411 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2411 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2411, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—41.

Absent or not voting: Senators Bausch, Conner—2.

Excused: Senators Donohue, Keefe, Lysen, Matson, Talley, Williams—6.

SUBSTITUTE SENATE BILL No. 2411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:52 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 2:30 p.m.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2709.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 2709, by Committee on Education (originally sponsored by Senator McDermott):

Implementing law relating to funding for basic education and pupil transportation.

The Senate resumed consideration of Substitute Senate Bill No. 2709 as amended on March 23, 1979. At that time, an amendment by Senators McDermott, Morrison and Gaspard had been moved for adoption.

There being no objection, on motion of Senator McDermott, the amendment by Senators McDermott, Morrison and Gaspard adding a new section was withdrawn.

On motion of Senator Wilson, the following amendment was adopted:

Amend the amendment to page 21, line 11, striking section 13, and inserting a new section 13, as follows:

After "NEW SECTION, Sec. 13." strike the balance of the amendment, and insert:

"The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By June 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment and life of vehicle. Such categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long range operating costs, including costs of equipment and all costs incurred in operating it. Each category description shall include the estimated state-determined purchase price, which shall be based on the anticipated market price. By July 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state determined purchase price and shall notify districts of any changes: PROVIDED, That while it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be reimbursed a sum equal only to the amount of the state-determined purchase price and inflation as recognized by the depreciation schedule established in this section as set by the superintendent for the category of vehicle purchased: PROVIDED FURTHER, That in event the vehicular requirements of the district, for reasons of safety, or in the interests of minimum long term operating costs, are not satisfied by the categories established by the superintendent, the district may petition the superintendent for the inclusion of additional equipment or specifications, setting forth the costs thereof, beyond those contemplated by categories of the superintendent, and if, in the opinion of the superintendent, the additional equipment or specifications are necessary for adequate safety or will reduce long term operating costs, including capital costs, the additional costs of such equipment may be included in the state-determined purchase price: PROVIDED FURTHER, That if after receiving competitive bids on a vehicle the lowest acceptable bid is in excess of the state-determined purchase price, the district may petition the superintendent to increase the state-determined purchase price for the category of vehicle for that district.

(2) The superintendent shall annually develop a depreciation schedule to reimburse districts for the cost of student transportation vehicles purchased during that school year. The schedule shall be written on the basis of the categories of student transportation vehicles, the state-determined purchase price and the anticipated life

of the vehicles, and shall include factors recognizing inflation and the cost of depreciation to districts contracting with public or private carriers for student transportation services."

### MOTIONS

On motion of Senator Wilson, Senator Bausch was excused.

On motion of Senator Gould, the following amendment by Senators Gould, Hayner and Gaspard was adopted:

On page 5, beginning on line 28, strike all of the underlined material through line 33 and insert:

" : PROVIDED, That the local school board may determine the best use of the last five days of the one-hundred eighty day school year for graduating twelfth grade students"

Senator Hayner moved adoption of the following amendment by Senators Hayner and Morrison:

On page 8, line 24, add a new section as follows:

"NEW SECTION. Sec. 3. There is added to chapter 84.52 a new section to read as follows:

For the purpose of determining each school district's basic education allocation under RCW 84.52.053 in connection with excess levies authorized for collection in 1980 and thereafter, each nonresident student shall be included in the enrollment of the district within which the student resides and excluded from the enrollment of the nonresident district the student attends: PROVIDED, That in the event that the amount of levy collection as provided for in this section is greater than the amount required for payment to the serving district, such excess amount shall be held in an encumbered status for expenditure for maintenance and operation relief in a subsequent school year."

Re-number remaining sections consecutively.

### POINT OF ORDER

Senator McDermott: "Mr. President, I raise the scope and object on this amendment and I would like to speak to that.

"Mr. President, this adds a new section to the law in 84.50, the RCW and it is being amended onto a bill which is in 28A, clearly is outside the scope of this bill and I think for that reason it is out of order."

### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think, Senator McDermott, you could have picked an easier section to challenge. I think this has to do with pretty much the overall concept of education and certainly the levies play a part in that so I am going to have to rule the amendment within the scope and object."

The amendment was ruled in order.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendment by Senators Hayner and Morrison.

The motion by Senator Hayner carried and the amendment was adopted.

On motion of Senator Hayner, the following amendment by Senators Hayner and Morrison was adopted:

On page 30, line 5, after "1" insert ", section 3,"

Senator Wojahn moved adoption of the following amendment:

On page 9, line 16, after "than" and before "certificated" strike "fifty" and insert "((fifty)) fifty-two"

Debate ensued.

The motion by Senator Wojahn failed and the amendment was not adopted.

Senator Hansen moved adoption of the following amendment by Senators Hansen, Gould and Shinpoch:

On page 10, beginning with "Each" on line 25, strike all the material down to and including the period on line 4, page 11, and insert:

~~"((annual average full-time equivalent certificated classroom teacher's direct classroom contact hours shall be at least twenty-five hours per week. Classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.))~~ Each annual average full-time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-two hours per week: PROVIDED, That direct classroom contact hours shall not be reduced in any manner whatsoever by the superintendent of public instruction, the state board of education, or any local school district of the state: PROVIDED FURTHER, That it is the express intent of the legislature that direct minimum classroom contact hours shall not be negotiated. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences or any other nonclassroom instruction duties including authorized teacher/parent-guardian conferences as defined in RCW 28A.58.754, as now or hereafter amended."

Senator McDermott moved adoption of the following amendment to the amendment by Senators Hansen, Gould and Shinpoch:

Strike the proviso of the Shinpoch amendment which reads as follows: "PROVIDED FURTHER, That it is the express intent of the legislature that direct minimum classroom contact hours shall not be negotiated"

Debate ensued.

Senators McDermott demanded a roll call and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator McDermott to the amendment by Senators Hansen, Gould and Shinpoch.

### ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, McDermott, Moore, Odegaard, Peterson, Quigg, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—23.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Lysen, Marsh, Matson, Morrison, Newschwander, North, Pullen, Rasmussen, Scott, Sellar, Shinpoch, Wanamaker—24.

Absent or not voting: Senator Lee—1.

Excused: Senator Keefe—1.

Senator McDermott moved adoption of the following amendment to the amendment by Senators Hansen, Gould and Shinpoch:

On line 11 of the new underlined material strike "including" and insert "other than"

Debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator McDermott to the amendment by Senators Hansen, Gould and Shinpoch.

## ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Lysen, McDermott, Moore, Odegaard, Peterson, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wojahn—20

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, Morrison, Newschwander, North, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Wanamaker, Wilson, Woody—28.

Excused: Senator Keefe—1.

The motion by Senator Hansen carried and the amendment by Senators Hansen, Gould and Shinpoch was adopted.

On motion of Senator Marsh, the following amendment was adopted:

On page 11, line 17, strike "shall" and insert "may"

On motion of Senator Pullen, the following amendment by Senators Pullen, Rasmussen, Woody, Vognild and Lewis was adopted:

On page 15, after line 33 insert:

"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:

Notwithstanding any other provision of law and more particularly Title 28A RCW, every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity: PROVIDED FURTHER, That the mere presence of a parent in the classroom shall not be deemed disruptive. For purposes of this section access shall apply equally to legal guardians as well as parents.

Each school district board of directors shall assure that, not later than the 1980-81 school year, such procedure shall be included in the annual descriptive guide to the districts common schools, pursuant to RCW 28A.58.758(3)."

Renumber subsequent sections consecutively.

Senator Bottiger moved adoption of the following amendment:

On page 18, line 18, after "nearest" and before "the" insert "or next nearest"  
Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted.

On motion of Senator Marsh, the following amendment was adopted:

On page 11, line 13, strike "shall" and insert "may"

## MOTION

At 3:45 p.m., on motion of Senator Walgren, the Senate was declared to be at ease.

The President called the Senate to order at 4:25 p.m.

## MOTION

On motion of Senator Donohue, an amendment by Senators Donohue and Bluechel striking all material of the bill after the enacting clause was withdrawn.

On motion of Senator Hayner, the following amendment to the title by Senators Hayner and Morrison was adopted:

On page 1, line 29, after "28A.24 RCW;" insert "and adding a new section to chapter 84.52 RCW;"

On motion of Senator Pullen, the following amendment by Senators Pullen, Rasmussen, Benitz and Woody was adopted:

On page 1, line 29 of the title, after "chapter 28A.24 RCW;" insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW;"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 2709 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Secretary commenced the roll call on Substitute Senate Bill No. 2709.

Senators Walgren, von Reichbauer 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 were present except Senator Keefe who had previously been excused.

### MOTION

On motion of Senator Walgren, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2709.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2709 and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bausch, Bottiger, Conner, Day, Fleming, Gaspard, Goltz, Hansen, Henry, Lysen, Marsh, McDermott, Moore, Odegaard, Peterson, Rasmussen, Ridder, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Donohue, Gallagher, Gould, Guess, Hayner, Jones, Lee, Lewis, Matson, Morrison, Newschwander, North, Pullen, Quigg, Scott, Sellar, Shinpoch, Wanamaker—21.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2709 was ordered immediately transmitted to the House.

On motion of Senator Walgren, the Senate dispensed with the Call of the Senate.

### MOTION

At 4:38 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Thursday, April 5, 1979.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTEENTH DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Thursday, April 5, 1979.

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 Keefe and Walgren. On motion of Senator Wilson, Senators Keefe and Walgren were excused.

The Color Guard, consisting of Pages Christy Caspersen and Paul Rider, presented the Colors. Reverend Stanley J. Workman, pastor of Evergreen Christian Reformed Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, HEAR US AS AGAIN TODAY WE PAUSE AT THE OPENING OF THIS DAY'S SESSION OF WORK. WE THANK YOU FOR THIS DAY AND THE OPPORTUNITIES THAT IT HOLDS FOR ALL OF US. WE ARE GRATEFUL THAT AGAIN TODAY EACH OF US WILL BE ABLE TO USE THE SKILLS AND ABILITIES THAT YOU HAVE ENTRUSTED TO US. WE KNOW THAT IN YOUR EYES, O GOD, EACH OF US ARE UNIQUE AND IMPORTANT PEOPLE. HELP US TO SEE OURSELVES IN THAT WAY ALSO.

"NOW WE ASK FOR YOUR GUIDANCE UPON THE WORK OF THIS DAY. GIVE PHYSICAL AND MENTAL STRENGTH. GRANT WISDOM FOR THE DECISIONS THAT MUST BE MADE. HELP ALL TO BE HONEST AND FAIR. GRANT PATIENCE AT THE MOMENTS OF FRUSTRATION, PEACE AT THE TIMES OF TURMOIL, AND WILLINGNESS TO KEEP GOING EVEN WHEN TIRED. INDEED, HEAVENLY FATHER, AT THE END OF THIS DAY MAY EACH PERSON HERE PRESENT KNOW YOU HAVE BEEN WITH THEM THROUGHOUT THE DAY. MAY THEY KNOW THIS HAS BEEN A GOOD DAY TO BE ALIVE IN YOUR WORLD. IN JESUS' NAME WE PRAY. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORT OF STANDING COMMITTEE

April 4, 1979.

SUBSTITUTE HOUSE BILL NO. 535, providing exemptions from regulation for common carriers to certain motor freight carriers (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Chairman; Bluechel, Conner, Hansen, Lee, Peterson, Van Hollebeke.

Passed to Committee on Rules for second reading.

### MESSAGES FROM THE HOUSE

April 4, 1979.

Mr. President: The House has passed:

SUBSTITUTE SENATE BILL NO. 2140,  
SENATE BILL NO. 2191, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

April 4, 1979.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 20,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 39,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 557,

SUBSTITUTE HOUSE BILL NO. 912,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

### MOTIONS

On motion of Senator Marsh, the Senate advanced to the eighth order of business.

On motion of Senator Donohue, Senate Bill No. 3124 was removed from today's second reading calendar and rereferred to the Committee on Ways and Means.

On motion of Senator Marsh, the Senate returned to the fifth order of business.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 20, by Committee on State Government (originally sponsored by Representatives Burns, Haley, Nelson (D), Pruitt, Kreidler, Bender, Gruger and Salatino (by Executive request) (by House Committee on State Government of the 45th Legislature request):

Establishing a housing finance commission.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 39, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Sommers, Struthers, Walk, Nelson (G.A.) and Clayton):

Making uniform the compensation of various boards and commissions.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 557, by Committee on Education (originally sponsored by Representatives Warnke, Polk, Chandler, Heck, North, Bauer, Rosbach and Nelson (G.A.):

Setting forth procedure to reimburse school districts for operating costs in transportation of students.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 912, by Committee on Energy and Utilities (originally sponsored by Representatives Sherman, McCormick, Haley and Douthwaite):

Providing for solar easements.

Referred to Committee on Energy and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075, by Committee on Energy and Utilities (originally sponsored by Representative McCormick):

Relating to Washington public power and supply system.

Referred to Committee on Energy and Utilities.

## MOTION

At 10:10 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 11:50 a.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Resolution No. 120.

## SECOND READING

SENATE JOINT RESOLUTION NO. 120, by Senators Bottiger and Lewis:  
Authorizing government utilities to loan money for energy conservation purposes.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Joint Resolution No. 120 was substituted for Senate Joint Resolution No. 120 and the substitute resolution was placed on second reading and read the second time in full.

## MOTIONS

On motion of Senator Wilson, Senator Talley was excused.

Senator Talmadge moved the following amendments be considered and adopted simultaneously:

On page 1, line 15, after "residential" insert "or business"

On page 1, line 19, after "residential" insert "or business"

Debate ensued.

The motion by Senator Talmadge failed and the amendments were not adopted.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Joint Resolution No. 120 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## POINT OF INQUIRY

Senator Guess: "Senator Bottiger, one of the things in the caucus that we were undecided and I did not get a satisfactory answer. It provides a constitutional amendment permitting any county, city or town or quasi-municipal corporation."

Senator Bottiger: "That is a PUD. Elmhurst Light and Water, mutuals, co-ops and PUD's and REA's are quasi-municipal corporation."

Senator Guess: "Okay, now another question. Is the PUD or would a PUD be able to purchase and then sell in the place of the lumber yard down the street, and would they be able to stock the insulating materials, the storm windows, and set up shops in direct competition to the person that you normally go to . . . on the South Hill, for instance, we have a lumber yard where I got my materials when I built, and would this put the PUD or a quasi-governmental agency in direct competition to the people that I normally would buy my lumber and insulation from?"

Senator Bottiger: "Senator Guess, the constitutional amendment, if it were not for the implementing bill that is necessary to make the constitutional amendment effective, conceivably could do that. In the states that we have looked at, Oregon in particular, and in the private utility functions, they have gone to private contractors. They will lend the money to you to provide the funds on a competitive bid basis to have a contractor do the program. That is the intent of the bill that goes with the constitutional amendment."

Senator Guess: "I suppose we will have to talk about the bill that goes with that but I think if we lay it out and get our questions before we do. On line 29, page 1 of 2976, it says that they may sell, rent, lease equipment or facilities for compensation or otherwise."

Senator Bottiger: "Senator, if we get to the bill I would be more than willing to entertain an amendment to the bill. This is the same bill we passed again last year and no objections came up in committee as to the same language, but if you would like to tighten that down, I would be more than willing to entertain that proposal. I would like to see the publics doing what the privates are doing."

Senator Guess: "But our feeling, at least my feeling in the caucus was that 120 will permit the PUD's to establish the stores to sell heat pumps, insulation, storm glass and things like that. Now if it could be tightened up where . . . you say 'purchase, install and sell or rent.' That bothers me a great deal. Now if you can convince me that . . ."

Senator Bottiger: "Senator, at lunch let's you and I draft an amendment to the implementing bill because I obviously need the votes . . ."

#### MOTION

Senator Bottiger moved that Substitute Senate Joint Resolution No. 120 be held on third reading.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2014.

#### SECOND READING

SENATE BILL NO. 2014, by Senator Rasmussen:  
Regulating solar energy.

#### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2014 was substituted for Senate Bill No. 2014 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, Senator Hansen was excused.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 2014 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Guess: "Senator Bottiger, you mentioned something that really hit me, that in the zoning you would require that there be a setback of thirty feet on the south side so that somebody could not put a house within thirty feet.

"I happen to sit in a residential area, fortunately, where the orientation is east and west so it would be no problem particularly there, but when you are in an area of development where the lots are running north and south, then this is going to mean if you have got a ten foot zone between your house and the lot line on the north side, then you are going to have to have a thirty-five foot setback on the south side?"

Senator Bottiger: "Senator Guess, this does not require anybody to do anything. In the plats that I looked at in New Mexico, the developers there had designed their development to protect solar rights. They did it on purpose and instead of using

eight foot side yards like you and I are accustomed to, they made the side yard to the south thirty feet. Now that would be something a little unusual. I have never seen a Washington plat like that but they switched their lot size around. You and I would always think of seventy-five or one hundred foot frontage. They made the lot wider but not as deep and they did it for solar access. If a developer in Washington would like to use those kinds of ideas, this bill tells the local planning commission to at least consider it, and that is all it does."

Senator Guess: "If that is the explanation, then I think it is all right. Thank you."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2014, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senator Matson—1.

Absent or not voting: Senator Peterson—1.

Excused: Senators Hansen, Keefe, Talley, Walgren—4.

SUBSTITUTE SENATE BILL NO. 2014, having received the constitutional majority, 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. 541, by Committee on State Government (originally sponsored by Representatives Ehlers, Lux and Gallagher):

Updating the state building code.

### REPORT OF STANDING COMMITTEE

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 541, updating the state building code (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 8, after "RCW 19.27.300." insert "The state building code advisory council shall report to the legislature by January 12, 1981, their recommendations for thermal and lighting performance and design standards for residential, commercial and industrial construction."

Signed by: Senators Rasmussen, Chairman; Shinpoch, Vice Chairman; Day, Gould, McDermott, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Bottiger, the following amendment was adopted:

On page 2, line 18, after "RCW." insert: "The state building code advisory council shall have authority to promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a state-wide thermal efficiency and lighting code which complies with Title 10, Code of Federal Regulations, Section 420.35. Such code will take into account regional climatic conditions, shall take effect prior to June 30, 1980, and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule."

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 541, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### MOTIONS

Senator North moved that Substitute House Bill No. 541, as amended by the Senate, be held on third reading for Friday, April 6, 1979.

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 2980.

### SECOND READING

SENATE BILL NO. 2980, by Senator Bottiger:

Relating to energy.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2980 was substituted for Senate Bill No. 2980 and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment by Senators McDermott, Quigg and Lysen:

On page 2, after line 32, insert the following:

"Sec. 2. Section 43.52.370, chapter 8, Laws of 1965 as amended by section 7, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.370 are each amended to read as follows:

The management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. In addition, the governor or the governor's designee shall serve without compensation on the board of directors of any operating agency comprised of ten or more public utility districts and two or more cities. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. The governor or the governor's designee shall serve as chairperson of the board and shall have one vote. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: **PROVIDED**, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such

agency as is provided in RCW 43.52.290: PROVIDED, That the per diem compensation to any member shall not exceed five thousand dollars in any year."

Debate ensued.

Senator Guess moved that the amendment by Senators McDermott, Quigg and Lysen be laid upon the table.

The motion failed on a rising vote.

### POINT OF INQUIRY

Senator Wilson: "Senator McDermott, why do you feel it is necessary that the Governor's designee serve as chairman of this board? Now we have on the board an assembly of PUD commissioners and other locally selected officials and they may well have found among their number one person whom they think is most logically the chairman, who is the type of person who is knowledgeable and is able to keep the board working in harmony and by a majority vote these directors who really have the ultimate responsibility for all these plans have chosen this person to be their chairman.

"Now why do you think it is necessary then that Olympia should send somebody else in to serve as chairman and replace the person who had been selected by the directors, who bears a large share of the responsibility for the projects?"

Senator McDermott: "Senator Wilson, I first of all must say I do not know who the chairman presently is. I have no personal feeling about any of the PUD commissioners who are on it. It was merely, I think, a statement by the legislature that we thought it was important enough to place the Governor or I would suppose she would pick the head of her energy office or somebody like that as her designee, to be the chairman. I do not think that it should be read as any kind of reflection on the members of that board, but it is rather a statement by the legislature that we want somebody there who represents the entire state."

### MOTION

At 12:30 p.m., on motion of Senator Marsh, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The Senate resumed consideration of the following bill:

**SUBSTITUTE SENATE BILL NO. 2980**, by Committee on Energy and Utilities (originally sponsored by Senator Bottiger):

Relating to energy.

Prior to the noon recess, an amendment by Senators McDermott, Quigg and Lysen had been moved for adoption.

On motion of Senator Wilson, the following amendment to the amendment by Senators McDermott, Quigg and Lysen was adopted:

On page 2, line 2, after "designee" and before "shall have" on line 3, strike "shall serve as chairperson of the board and"

The motion by Senator McDermott failed and the amendment, as amended, was not adopted on a rising vote.

Senator Lysen moved adoption of the following amendment:

On page 2, after line 32 insert the following:

**"NEW SECTION.** Sec. 2. There is added to chapter 43.52 RCW a new section to read as follows:

It shall be the duty of the Washington Public Power Supply System (WPPSS) and any other operating agency, to develop detailed plans and to submit such plans along with detailed operating reports of all joint enterprises to the legislature during each regular session. No project which has not been approved by the legislature shall

have the participation of WPPSS or any other operating agency. On the effective date of this act, WPPSS and any other operating agency shall provide the legislature with information on its current bonded indebtedness and the estimated total indebtedness required to complete currently planned nuclear facilities. No further bonded indebtedness shall be incurred for the generation of energy based on nuclear fission, by WPPSS or any other operating agency, until the aggregate of all outstanding bonds is less than ten billion dollars or three-eighths of one percent of the aggregate of the value of the taxable property of the participating public utility districts and/or municipalities."

Debate ensued.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Lysen, my concern is, I think it was mentioned by Senator Benitz, in effect we would be telling these . . . the city of Tacoma, that has bought in a portion of these nuclear plants and Seattle, private utilities, that they would have to stop the projects if they exceeded this money amount?"

Senator Lysen: "Senator Rasmussen, what this requires, just let me comment on Senator Bottiger's comment. The three-eighths of one percent is already in statute and applies to the PUD's and municipals. They cannot go beyond that three-eighths of one percent of the total assessed valuation. WPPSS is outside that because it is a separate municipal corporation in which they participate.

"What I am doing is extending that rationale to the total as well as the individual parts of the joint operation agency. The \$10 billion is the figure approximately where they are right now. I have not checked it. Maybe it is a billion one way or the other this week. It may have gone up another billion or two. What it says is that the legislature has to approve it and I would think if there is good reason and justification for the increases, which there are in many cases, we would approve it, and not be an obstructionist body, but if it is out of control and they do not justify what they are doing, then I think we should pull in on that purse string a little bit and make them toe the mark. There is nobody making them toe the mark right there. That is the problem. No elected officials. It is a giant public works project and everybody thinks there is no limit, the sky is the limit, and there is nobody there . . . like in private industry would be there controlling it. And that is the problem."

Further debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted on a rising vote.

Senator Lysen moved adoption of the following amendment:

On page 2, after line 32 insert the following:

**"NEW SECTION.** Sec. 2. In addition to any other powers and duties delegated under chapter 44.39 RCW, the joint committee on energy and utilities is hereby authorized and directed to review and investigate the structure, procedures, and policies of the Washington Public Power Supply System (WPPSS).

(1) For the purposes of this section only, the committee or any personnel acting under its direction shall have the authority to examine and inspect all properties, equipment, facilities, files, records, and accounts maintained or used by WPPSS; to administer oaths; to issue subpoenas; to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony; and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to

compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the chairman of the committee.

(2) The committee shall submit to the legislature at the next regular or special session a full and detailed report on its findings, including recommendations for legislation to assist WPPSS to efficiently supply the energy needed by its customers."

Debate ensued.

The motion by Senator Lysen failed and the amendment was not adopted.

On motion of Senator Bottiger, the following amendments were considered and adopted simultaneously;

On page 1, line 20 delete ", engineering and":

On page 1, line 21 after "audits" insert "including design engineering analyses"

On page 1, line 30 strike "the net value of pending"

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Odegaard:

On page 2, strike line 17 and "corporations," on line 18, and insert "44.28 RCW, the legislative budget committee"

Debate ensued.

#### POINT OF INQUIRY

Senator Lewis: "Senator Bottiger, as you have indicated, the state auditor has expressed some concern and I would appreciate it if you would address yourself to the question that I have related to duplication of auditing that would exist. If I understand it correctly, the state auditor still has to do his audit, and aren't we getting into a duplicate overlapping in part at least?"

Senator Bottiger: "Senator Lewis, Senator Shinpoch may also respond. I think the auditor is confused about what we are intending when we take him out of who this report is . . . I do not intend that he not do his dollar audit. It is not the purpose of the amendment to eliminate him from the dollar audit. The audit we are talking about is a management performance audit and the state auditor, to the best of my ability, has never got into that field before. I guess we are really talking about where we hire this high-priced person to check the performance audit material."

Senator Lewis: "Senator Bottiger, then do I understand that the independent auditor you are contemplating having do this service would not do the same fiscal audit or financial audit that the state auditor would do? Is that correct, he would not . . .?"

Senator Bottiger: "It was not my intent that he duplicate the state auditor's function of checking dollars."

#### POINT OF INQUIRY

Senator Guess: "Senator Bottiger, as I see this now, you are substituting the state auditor and you are going to say that the legislative budget committee shall evaluate such management audits. Shouldn't you say 'management' and then take into consideration your amendment on the other side of the page and put the engineering audits in there, because by the previous amendment you already put 'including design and engineering analyses'?"

Senator Bottiger: "Senator Guess, I think to be super cautious we could do that but we refer to line 18, 'such management audits,' and when we go over to the preceding page we find 'management engineering analyses audits.' I do not think it is a problem."

Senator Guess: "By the fact that this is silent on the design engineering audits, somebody could not challenge you and say that you have got only the management audit to be taken into consideration?"

Senator Bottiger: "We are asking that independent auditor to submit this report in addition to the WPPSS Council, to the LBC and to the standing committees. It is that report and audit that we are talking about. I do not see the problem, Senator Guess. If you want to put 'design engineering analyses' . . . 'management and design engineering analyses' in there, I would have no objection."

#### POINT OF INQUIRY

Senator Lewis: "Senator Shinpoch, in fairness I think I should bring to the attention of the body one paragraph I would like to read from the letter from the office of the state auditor and have you respond to it if you would please."

"It is the next to the last paragraph which reads: 'The proposed amendment would establish a bad precedent of placing the LBC in an audit role of a local government which performs a purely proprietary or enterprise function as versus a governmental function.' Would you share with me your attitude about the LBC taking this new role?"

Senator Shinpoch: "Senator Lewis, relative to the LBC taking that role, their role is the performance audit. I think the more important thing and the thing that is not spoken of but is alluded to in that paragraph is for a number of years the elected state auditor, who does a good job in the financial area, has attempted to move into performance audits so that he could judge other elected officials' performance."

"I know that I have been one of those that has been active for a number of years of attempting to assure that we kept the state auditor doing fiscal audits, not performance audits. I think that the converse of this paragraph is that that would put the state auditor into judging other people's management, one elected official judging another elected official, and I think that that is probably wrong."

"The legislative budget committee, as you are aware, is a completely bipartisan joint committee of the House and Senate and they have been very diligent about staying out of politics. I think if you read the other side of that, that it is much more important than possibly this . . . I guess WPPSS you could call a local agency, but after we get through with the things that we have here today and they do affect us all over the state, it may not be near as local as it was after the bills that we pass after we get out of this session."

#### POINT OF INQUIRY

Senator Rasmussen: "Did I understand Senator Bottiger, that you said that the state auditor is now required by law to audit and has been in and is doing auditing and blowing the whistle on some of the activities down there? He will still continue with this work?"

Senator Bottiger: "Senator Rasmussen, there is nothing in this bill that would in any way imply that Mr. Graham should not continue to do his fiscal audit. I cannot recall that he had anything to say wrong about WPPSS as far as dollar contracts are concerned."

Senator Rasmussen: "I think it was the disappearance of property and things down there."

Senator Bottiger: "That is right, Senator. There was some comment about theft on the site which, I am sure in all honesty, occurs on any building site."

Senator Rasmussen: "I would like to ask you one more question. In relation to this bill, if WPPSS says 'Phooey, we are not going to do it,' all you can do is request the siting committee remove the license?"

Senator Bottiger: "That would be a powerful request, Senator. Yes, I would say we probably could ask them to."

Senator Rasmussen: "But that is the only power you have under this legislation?"

Senator Bottiger: "Senator, that is a lot of power."

Senator Rasmussen: ". . . if they would do it, if they would remove the license."

#### POINT OF INQUIRY

Senator Guess: "Senator Bottiger, we have not adopted the last amendment, right? I am getting ahead of you then. We put the LBC in in place of the state auditor and so the operating agency shall reimburse the LBC for all costs of furnishing such services. Isn't that somewhat of an open end book?"

Senator Bottiger: "Senator, I think Senator Odegaard made the comment the legislators that are elected govern and control that. If the LBC got out of hand and started running the bill way up, I am sure that the protest would be heard and the legislators involved would put an end to it."

Senator Guess: "If this is a government function, wouldn't it properly be the part of the state legislature to carry the cost of the LBC? I have never known a legislative body to be supported by a PUD or a private agency in this type of a manner. This seems to me to be highly irregular and not in keeping with the normal procedures. If we are doing this for the general good of the entire public, then I think that the state ought to pay the price of that and that line ought to be taken out entirely."

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator Bottiger, the following amendments by Senators Bottiger and Odegaard were considered and adopted simultaneously:

On page 2, lines 21 and 26 delete "state auditor" and insert "legislative budget committee".

On page 2, line 22, insert a period after "services" and delete the remainder of line 22 and all of lines 23 and 24.

On motion of Senator Guess, the following amendment was adopted:

On page 2, line 18, after "audits" insert "including design engineering analyses"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2980 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, we have given, delegated to the LBC, a new series of powers here and I wonder if in your knowledge of the law, can you tell me whether or not the LBC has ever been given this type of a function and is it possible under the statutory language for the legislature to direct the LBC to take this far-reaching step without having further perfected the legislation that created the LBC?"

Senator Rasmussen: "I think that the state auditor is directed by law to do this. I do not think that there is any law that says that the LBC has the power to go into the private corporation. They can ask permission to review, and if they want, the private corporation wants to do that, or WPPSS, they can grant it to them. But we go further than that. We say that this private operating unit has to pay for that.

They do not have to pay for anything if they do not want to. They have their own separate operating board. City of Tacoma, City of Seattle, all the PUD's jointly. They are not going to agree to that."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2980, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Jones, Lee, Lewis, Marsh, McDermott, Moore, Newschwander, North, Odegaard, Peterson, Quigg, Ridder, Scott, Shimpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—34.

Voting nay: Senators Benitz, Clarke, Donohue, Guess, Hayner, Lysen, Matson, Morrison, Pullen, Rasmussen, Sellar, Talley—12.

Absent or not voting: Senator Henry—1.

Excused: Senators Keefe, Walgren—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2980, having recieved the constitutional majority, 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. 2598, by Senators Bottiger, Bluechel, Goltz, Lysen, Woody and North:

Authorizing tax credits for cogeneration facilities.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2598 was substituted for Senate Bill No. 2598 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Williams, the following amendments by Senators Williams and Donohue were considered and adopted simultaneously:

On page 2, line 27, after "department" insert a period and strike the remainder of the sentence.

On page 2, line 29, after "approval" insert ": PROVIDED, That no certificate may be issued later than December 31, 1984."

On motion of Senator Williams, the following amendments were considered and adopted simultaneously:

On page 2, line 23, after "or" strike "is intended to" and insert "will"

On page 3, line 6, strike "capable of being operated" and insert "operational"

On motion of Senator Bottiger, the following amendments were considered and adopted simultaneously:

On page 3, line 8, after "RCW" insert ": PROVIDED, That the date on which the facility is operational is no more than four years after the date of issuance of the certificate."

On page 3, line 29, after "facility" insert "and prior to December 31, 1984"

On page 5, line 4, after "date" strike "of granting such certificate" and insert "on which the facility is operational"

On motion of Senator McDermott, the following amendment was adopted:

On page 8, after line 7, insert the following additional section:

"NEW SECTION. Sec. 13. The generation of power by a nonpolluting, renewable energy source by an individual natural person not otherwise engaged in the business of power generation is declared to be exempt from all statutes and rules

otherwise regulating the generation of power: PROVIDED, That such an individual is hereby authorized to provide such power to the utility servicing the property on which the power is generated and the servicing utility is hereby authorized to accept such power under such terms and conditions as may be agreed to between the parties."

Renumber the sections following consecutively, and correct internal references accordingly.

On motion of Senator Bottiger, the following amendment by Senator McDermott to the title was adopted:

In line 5 of the title, after "creating" strike "a new section" and insert "new sections"

### MOTIONS

On motion of Senator Jones, Senator Gould was excused.

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2598 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, this relates to machinery. It is not the intent that this would relieve any power company of taxes to put in turbine generators as a means of handling the peaking load?"

Senator Bottiger: "Senator, it has nothing to do with a power company. It has to do with a company not in the production of electricity, like Weyerhaeuser or somebody of that nature."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2598, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Conner, Shinpoch—2.

Absent or not voting: Senator Henry—1.

Excused: Senators Gould, Keefe, Walgren—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2598, having received the 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. 2140,

SENATE BILL NO. 2191.

## MOTION

At 2:50 p.m., on motion of Senator Marsh, the Senate adjourned until 9:00 a.m., Friday, April 6, 1979.

JOHN A. CHERBERG, President of the Senate.  
SIDNEY R. SNYDER, Secretary of the Senate.

**SEVENTEENTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Friday, April 6, 1979.

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 Gould, Keefe, Rasmussen and Walgren. On motion of Senator Wilson, Senators Keefe, Rasmussen and Walgren were excused. On motion of Senator Jones, Senator Gould was excused.

The Color Guard, consisting of Pages Jane Dore and Andy Fujimori, presented the Colors. Father Robert Russell, pastor of St. Michael's Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, THANK YOU FOR THIS NEW DAY. SEND YOUR SPIRIT TO DIRECT OUR WORK. HELP US TO BE GOOD STEWARDS OF THE TIME, TALENTS AND TREASURE YOU SO GENEROUSLY BESTOW ON US. GIVE US THE WISDOM TO WORK TOGETHER FOR THESE YOUR PEOPLE OF THE STATE OF WASHINGTON. AMEN."

**MOTION**

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

April 5, 1979.

**SUBSTITUTE HOUSE BILL NO. 438**, establishing law enforcement procedures for domestic violence cases (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

April 5, 1979.

**ENGROSSED HOUSE BILL NO. 450**, requiring continuing education for nurses (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

April 5, 1979.

**SUBSTITUTE HOUSE BILL NO. 451**, establishing new procedures for the removal of abandoned motor vehicles from private property (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Gallagher, Hansen, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1979.

**SUBSTITUTE HOUSE BILL NO. 481**, permitting certain persons and institutions to prepare documents relating to the sale of property (reported by Committee on Financial Institutions and Insurance):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Jones, von Reichbauer.

**MINORITY recommendation:** Do not pass.

Signed by: Senators Day, Donohue.

Passed to Committee on Rules for second reading.

April 5, 1979.

**ENGROSSED HOUSE BILL NO. 542**, abolishing existing educational television commission and creating another; setting out its powers and duties, and making appropriations thereto (reported by Committee on Education):

**Recommendation:** Do pass and be rereferred to Committee on Ways and Means.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Rereferred to Committee on Ways and Means.

April 5, 1979.

**HOUSE BILL NO. 750**, establishing minimum funding levels for trails along roadways (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1979.

**SUBSTITUTE HOUSE BILL NO. 751**, restructuring highway priority programming (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, Peterson, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1979.

**HOUSE BILL NO. 814**, establishing certain duties for the last driver of a runaway car involved in an accident (reported by Committee on Transportation):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Henry, Chairman; Talley, Vice Chairman; Conner, Guess, Hansen, Lee, von Reichbauer, Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1979.

**HOUSE BILL NO. 888**, authorizing the use of a rehabilitation center (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

April 5, 1979.

**HOUSE BILL NO. 1106**, providing for prisoner leaves of absence for volunteer community service projects and for medical and dental care (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Bill No. 3019.

### SECOND READING

SENATE BILL NO. 3019, by Senators Goltz and Williams:  
Revising laws relating to shoreline management.

### MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 3019 was substituted for Senate Bill No. 3019 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 3019 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3019 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Conner, Talley, Wanamaker—3.

Excused: Senators Gould, Keefe, Rasmussen, Walgren—4.

SUBSTITUTE SENATE BILL NO. 3019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SENATE BILL NO. 2494, by Senator Bottiger:  
Granting the power of eminent domain to certain energy facilities.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2494 was substituted for Senate Bill No. 2494 and the substitute bill was placed on second reading and read the second time in full.

Senator Odegaard moved the following amendments be considered and adopted simultaneously:

On page 1, line 9, strike "energy facilities" and insert "transmission facilities and related facilities for the receipt and storage of crude petroleum or petroleum products"

On page 1, line 14, after "of" strike "energy" and insert "such"

On page 1, line 20, after "such" and before "facility" strike "energy"

## POINT OF INQUIRY

Senator North: "Senator Odegaard, is the intent of this amendment to make it very clear that in no way would nuclear or thermal facilities be included?"

Senator Odegaard: "That is right, Senator North."

## POINT OF INQUIRY

Senator Guess: "In limiting it to the transmission facilities, would it affect the ability of the transmission pipeline company to build the docks that are necessary to land the oil?"

Senator Odegaard: "Senator Guess, I would not think so. I have worked with the Northern Tier Pipeline attorneys on this and I do not think they would have agreed to this if they thought there was a fear of that."

The motion by Senator Odegaard carried and the amendments were adopted.

On motion of Senator Donohue, the following amendment was adopted:

On page 1, section 1, line 23 after "travel" and before the period insert "and related uses to the same or similar extent that such road or street existed prior to construction"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2494 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Wilson, Senator Henry was excused.

## POINT OF INQUIRY

Senator Lee: "Senator Bottiger, the language which we have just amended, in fact, that requires that all necessary expenses incurred in restoring such city street or county road to a suitable condition for travel and so on, the words 'necessary expenses', do you feel that that could also include the ability for the city or county to negotiate with the entity that is putting in the facility to actually do the restoration work itself in a single contract as is now done when you put in sewer lines and water lines and so on, because I know you have taken this work out of the telegraph utilities section?"

Senator Bottiger: "Senator Lee, I think that would be within the discretion of the county, the unit government involved, it might be a city, in their negotiations with the utility as to whether they would want it done by contract or the utility would include it in the contract that they have let with somebody else to restore the road. I think it could go either way."

Senator Lee: "I wanted to be sure that that was permitted. That you would not be required to have to have a second contractor come to fill in the holes as opposed to the one that has dug it in the first place."

Senator Bottiger: "I do not believe so."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2494, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, Matson, Moore, Morrison, Newschwander, North, Odegaard,

Peterson, Pullen, Quigg, Ridder, Scott, Shinpoch, Vognild, Williams, Wojahn, Woody—35.

Voting nay: Senators Conner, McDermott, Sellar, Talley, Talmadge, Van Hollebeke, von Reichbauer, Wanamaker, Wilson—9.

Excused: Senators Gould, Henry, Keefe, Rasmussen, Walgren—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2494, having received the constitutional majority, 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. 2974, by Senator Bottiger:  
Relating to regulation of energy sites.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2974 was substituted for Senate Bill No. 2974 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the following amendment was adopted:

On page 1, beginning on line 12, after "(2)" delete the language through line 19 and insert

"No application for certification pursuant to RCW Chapter 80.50 of a crude oil petroleum marine bulk receiving facility with related transmission pipelines which are designed to cross international borders of Washington State shall be accepted, considered, approved or certified while any application for certification of a crude petroleum marine bulk receiving facility with related transmission pipelines which are not designed to cross international borders of Washington State is before the Council or has been certified."

On motion of Senator Guess, the following amendment was adopted:

On page 1, after the "." on line 19, add:

"(3) In the event that the government of the United States chooses an alternate route for petroleum transmission facilities that is not located entirely within the United States, then the provisions of this 1979 act shall be null and void and of no further effect."

Senator Lysen moved adoption of the following amendment:

On page 1, line 20, insert:

"NEW SECTION. Sec. 2. In order to protect the public health and safety at nuclear power facilities, the legislature hereby directs that any person employed at such a site shall be given one day off in every seven calendar days and shall not be permitted to work more than twelve consecutive hours."

## POINT OF ORDER

Senator Jones: "I believe that this is beyond the scope and object of the measure. I think it is patently clear that it is beyond the scope and object and I am sure that you will rule favorably. I rest in your judgment, sir. I would never presume to direct you."

## RULING AND REMARKS BY THE PRESIDENT

President Cherberg: "Before ruling upon the Point of Order by Senator Jones, the President should like once more to reiterate that in dealing with points of order concerning scope and object and whereas the title is taken into consideration, the decision is based upon what the scope and object of the bill itself is all about. Many titles are all-embracing, for instance, title only bills.

"So therefore, in ruling upon the Point of Order as presented by Senator Jones, the President finds that Substitute Senate Bill 2974 is a bill requiring oil transfer facilities to use domestic pipelines.

"Senator Lysen, the President believes that your amendment deals with labor relations and therefore is beyond the scope and object of the bill."

The amendment by Senator Lysen was ruled out of order.

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2974 was advanced to third reading, the second 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. 2974, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Benitz, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bluechel, Conner, Matson, Scott—4.

Absent or not voting: Senator Guess—1.

Excused: Senators Gould, Henry, Keefe, Rasmussen, Walgren—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2974, having received the constitutional majority, 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. 2442, by Senator Bottiger:  
Relating to energy distribution systems.

### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2442 was substituted for Senate Bill No. 2442 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Bill No. 2442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2442, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—40.

Voting nay: Senators Matson, Pullen—2.

Absent or not voting: Senator Conner—2.

Excused: Senators Gould, Henry, Keefe, Rasmussen, Walgren—5.

SUBSTITUTE SENATE BILL NO. 2442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### PERSONAL PRIVILEGE

Senator Benitz: "Last night it was my pleasure to act as a page for the mock session of the Senate pages, and I just want to report to the members of the Senate that they conducted themselves in the most respectable fashion, and if there are any of you that are worried about the future of our country as the youngsters take over, be assured we are in good hands. Their debate was to the point and it was very, very informative. I was very proud to be a part of it other than to state that they ran me up and down the stairs with messages to the gallery and locked the elevator. If I were a page and continued that long, I would need a pay raise."

### POINT OF INQUIRY

Senator Lysen: "Senator Benitz, I would like to ask then how the amendments on the cost overruns on WPPSS came out in the mock session? I know that yesterday I had the unanimous support of all the pages in the chamber, although in fact I think I had more votes from the pages than I did from the members, so I was wondering how it came out in the mock session?"

Senator Benitz: "Strangely enough, Senator Lysen, their concern finally centered around a part of the bill that said . . . appropriated a certain amount of money, and the question was raised, what happens to that money if they do not spend all of it? So they came to me and seriously said, 'What do you do with these committees and these departments that do not spend all their money? What do they do with the money?' They were more interested in that. I told them it really had been a big problem in the legislature thus far."

### STATEMENT FOR THE JOURNAL

April 6, 1979.

#### NORTHERN TIER PIPELINE APPLICATION CLARIFICATION

#### MEMBERS OF THE SENATE:

I would like to talk to you about Port Angeles, to speak to you on a subject matter of critical importance to the people of the Olympic Peninsula, the State and the Nation—the application primarily by Northern Tier Pipe company of their proposed oil port, tank farm and pipeline—with potential for major environmental impact.

Others today will remind you that a quality environment is not an abstract concept here, but an important element in our way of life. You will be reminded also, of the major impact that the arrival and unloading of large quantities of oil at Port Angeles and the transport of the oil by pipeline the entire length of Hood Canal could have on this quality environment.

The availability of Alaskan crude does not by any means remedy existing crude oil supply problems. The product itself is high viscosity, high sulphur product that is a refining problem, with a very high yield of residual fuel, with a much lower yield of gasoline which would require large volumes of light crude to blend-off tank bottoms.

The 700 page Arthur D. Little study prepared for the State Dept. of Ecology says oil spills here in Port Angeles might have worse consequences than spills occurring inside Puget Sound pointing out that in this area oil spills would be carried by strong currents onto the shorelines thus having a worse impact.

The report also offers these conclusions: Building a pipeline from Port Angeles along Hood Canal and around the Sound, crossing eight rivers and passing through unstable soil conditions to serve North Puget refineries and the midwest is not environmentally safer than having tankers service the refineries directly. The impact of the pipeline offsets the advantage of tankers staying out of Puget Sound. The impact of an oil port at Port Angeles and a pipeline would be much more detrimental to the City of Port Angeles as it now exists than to Cherry Point which already has two refineries.

The Federal Energy Agency and EPA study analysis tells us that a terminal at Port Angeles operating at capacity would increase the area's hydrocarbon levels, local sulfur dioxide emissions and nitrogen oxides and would be so severe as to make this site economically unattractive.

Previously, water pollution from oil spills was considered the most serious problem. They go on in their report to say that air pollution produced by tankers and oil tank farms "is essentially a brand new science and it wasn't ever studied until the impact statement for SOHIO at Long Beach, California."

They do not know what the impact of hydrocarbon emissions would be. I would like to suggest that your study include where the hydrocarbons would go after they were released and what would be most affected.

The study points out another disadvantage of a Port Angeles oil port would be the air currents that move pollutants eastward across Puget Sound and into Seattle's existing smog problem. In other sites, the emissions would drift away from people. Disposal of liquid oil wastes at Port Angeles will pose a serious logistics problem. It is impractical and illegal to dispose of these wastes except at existing refineries or waste oil processors.

Director of U. S. Bureau of Fish and Wildlife has stated opposition to an oil port.

The Hood Canal Environmental Council has expressed concern about the pipeline routing through unstable soil conditions along Hood Canal.

The original Oceanographic Commission of Washington study dealing with the siting of an oil port had a staff recommendation based on detailed professional scientific data in opposition to Port Angeles as such a site. The Commission in a purely political decision overturned that professional report.

The State Ecological Commission came out with a strong recommendation to the State Dept. of Ecology and their sentiment was clear—No oil transfer port at Port Angeles saying such a facility would require construction of a pipeline down Hood Canal—crossing a stream every two miles and a major river every four to fifteen miles and then eastward across the Cascades.

In spite of the research and debate during recent years, the number of alternatives and the variety and intensity of their impacts still are very complex. The problem that I have on this issue, as an elected official, is that different researchers have computed different risks and each uses his own set of assumptions and a different data base. A truly objective analysis was never done. The superport issue is like one of those "believe-or-not" optical illusions. The longer you look, the more things seem to change.

Northern Tier Pipeline Company has never sat down with State and local officials and laid out their program. We have never been told what the impact would be on local resources as they affect our already overcrowded state highway, county roads, and city streets, fire prevention, police protection, water, sewer, schools, power. By 1982 we will be anticipating an energy deficiency in this area. Two years ago we were told that power for the tank farm alone would boost county energy needs 43% higher than the level that Bonneville, which now supplies our area, can guarantee. Later, Northern Tier said they anticipated a load of about 130M KW hour annually. Then just Monday of this week they lowered their power demand to

33M stating that they would be operating at peak load only 15% of the time rather than at 95% as earlier stated. This could result in greatly increased power rates locally for both commercial and residential users and the taking of power away from future sawmills as well as existing jobs in our mills.

The point is this: a Port Angeles system may very well be economically infeasible for low throughputs.

The grand question in this whole debate on state oil transportation policy is whether the present and future levels of risk are acceptable or unacceptable. Let's know more about the threat to sea life. We're seeing more salmon and shellfish than we've seen in a long time. What is the impact of a super-port in our harbor on commercial and sports fishing? Potentially we are sacrificing one of our major industries.

I'm wondering about fresh-water supplies which they say the super-tankers would take on after they have discharged their oil cargoes. Port Angeles is already having enough trouble over its limited domestic water supply out of the Elwha River.

Port Angeles harbor is within three miles of Olympic National Park one of the last remaining Wilderness Parks in the United States. The Olympic Peninsula is one of the state's prime recreational areas and this environmental degradation would change the nature of the Olympic Peninsula recreational assets. We are told that tax income from such a facility would be small. Nothing has been made firm as to the costs involved to local government. Construction of an oil port would impose an enormous financial impact on North Peninsula communities. I've seen no indication from Northern Tier Pipeline Co. or elsewhere that our communities would receive substantial assistance needed to provide facilities such as roads, schools and other services a project of this magnitude would require.

Who are the customers for such a facility? Before N.T.P.C. goes to the bank for financing they've got to have their customers all signed up on the dotted line. You don't build a pipeline and then hope somebody's going to hook up to you. If a single port facility were built, the total capital investment would have to be recovered.

It is economic folly to locate a privately owned oil port in Port Angeles if it is correct that it would add 5 cents to the price of every gallon of gas. Washington refineries compete in the Northwest and other regional markets with products refined elsewhere. The ability of state refineries to recover the added costs of new terminal facilities is limited by these competitive conditions, which in turn, under certain conditions could affect the level of crude deliveries available to support the facility.

The FEA ranks tank farms and storage tanks as the third largest contributor to oil spilled into the marine environment on the West Coast.

The question that is not asked, and the one that should be, has to do with whether we need an oil port anywhere in the State of Washington.

What kind of additional risks are created by having the largest centralization of oil storage in the State of Washington?

While we have some obligation to share our resources with our sister states, we have every right and responsibility to demand the highest degree of protection available for our own environment, jobs and economic well-being. The evidence seems clear that oil-transshipment to the midwest would produce very few new jobs and would risk existing jobs. The Washington State Energy council findings of negative economic impact under these circumstances becomes a very important consideration. Oil companies have said that it is technically and economically unfeasible to refine Alaskan crude in Washington and to transship refined products to the midwest.

In light of the information, that there would be very limited additional tax base, few construction jobs and fewer additional operation jobs, oil trans-shipment from Port Angeles has no long-term economic benefit to the State of Washington.

Signed: SENATOR PAUL H. CONNER

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Senate Joint Memorial No. 107.

### SECOND READING

SENATE JOINT MEMORIAL NO. 107, by Senator Bottiger:

Requesting that the Bonneville Power Administration be authorized to support pilot developmental plants.

The memorial was read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Senate Joint Memorial No. 107 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

### POINT OF INQUIRY

Senator Lysen: "Senator Bottiger, this memorial has nothing to do with the regional power bill for guaranteed purchase authority pending, which has been pending before the Congress for several years. This is strictly limited to a pilot program of a much smaller degree of . . .?"

Senator Bottiger: "No, Senator, I do not think that would be a fair or accurate statement. The meeting of the legislators have dealt with the Northwest power bill. Some versions of the Northwest power bill have Bonneville purchase authority and I think in all fairness that Bonneville in the development of these alternate fuel sources would be the developing agency and would be purchasing the power from them. There is no nuclear reactor in here, if that is your concern."

Senator Lysen: "Yes. My concern is that it be in the nature of a pilot project. I think this is a good measure but . . . the major generation sources of nuclear or coal or whatever would not be included in here. This is more wood wastes, biomass, wind, solar, co-generation-type activities. Is that right?"

Senator Bottiger: "Yes."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 107, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognilid, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Voting nay: Senators Matson, Scott—2.

Absent or not voting: Senators Jones, Sellar.—2.

Excused: Senators Gould, Henry, Keefe, Walgren—4.

SENATE JOINT MEMORIAL NO. 107, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 111, by Senator Lysen:  
Establishing a joint select committee to review and investigate WPPSS.

## MOTIONS

On motion of Senator Bottiger, Substitute Senate Concurrent Resolution No. 111 was substituted for Senate Concurrent Resolution No. 111 and the substitute resolution was placed on second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended, Substitute Senate Concurrent Resolution No. 111 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 111 and the resolution passed the Senate by the following vote: Yeas, 37; nays, 6; absent or not voting, 2; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talmadge, Van Hollebeke, Vognild, Wanamaker, Williams, Wilson, Wojahn, Woody—37.

Voting nay: Senators Clarke, Guess, Matson, Newschwander, Scott, Talley—6.

Absent or not voting: Senators Conner, von Reichbauer—2.

Excused: Senators Gould, Henry, Keefe, Walgren—4.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 111, having received the constitutional majority, was declared passed.

## MOTIONS

On motion of Senator Marsh, Substitute Senate Joint Resolution No. 120 and Substitute House Bill No. 541 were ordered held on the third reading calendar for Monday, April 9, 1979.

On motion of Senator Marsh, Senate Bill No. 2976, Senate Bill No. 2979 and House Bill No. 989 were ordered held on the second reading calendar for Monday, April 9, 1979.

## SECOND READING

SENATE BILL NO. 2316, by Senator Van Hollebeke, Wojahn and Morrison (by Department of Licensing request):

Regulating real estate brokers and salespersons.

## MOTIONS

On motion of Senator Van Hollebeke, Substitute Senate Bill No. 2316 was substituted for Senate Bill No. 2316 and the substitute bill was placed on second reading and read the second time in full.

Senator Van Hollebeke moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature finds that the sale, purchase, and rental of real property and business opportunities vitally affects the general economy of the state and the public interest and welfare, and that in order to promote the

public interest and welfare, and in the exercise of the state's police power, it is necessary to regulate and license real estate brokers, and the sales agents who represent them.

This chapter shall be construed to the end that deceptive practices and the commission of fraud or misrepresentation in the sale, purchase, or rental of real property and business opportunities in this state may be prohibited and prevented, and that only responsible, reliable, honest, and knowledgeable persons shall be permitted to engage in the sale, purchase, or rental of real property on behalf of others.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate broker," or "broker," means a person, while acting for another for commissions or other compensation or the promise thereof, who:

(a) Sells or offers for sale, lists or offers to list, or buys or offers to buy real estate or business opportunities, or any interest therein; or

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein; or

(c) Advertises or holds himself or herself out to the public by any oral or printed solicitation or representation that he or she is so engaged; or

(d) Engages, directs, or assists in procuring prospects or in negotiating a transaction which results or is calculated to result in any of the acts specified in this subsection.

(2) "Real estate salesperson" or "salesperson" means any natural person who represents a real estate broker in the performance of any of the acts or services specified in subsection (1) of this section.

(3) An "associate real estate broker" is a natural person who has qualified as a real estate broker and who works with a broker and whose license states that the person is associated with a broker.

(4) "Person" includes a corporation or partnership, except where otherwise restricted.

(5) "Business opportunity" includes a business, a business opportunity, the good will of an existing business, or any one or combination thereof.

(6) "The commission" means the real estate commission of the state of Washington.

(7) "Director" means the director of the department of licensing.

(8) "Designated broker" is the natural person designated by a corporate or partnership broker to act as a broker on behalf of the corporation or partnership. The designated broker must be an officer of the corporation or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(9) "Clock hours of instruction" means actual hours available in classroom instruction in a tax-supported, public vocational-technical institute, community college, or other institution of higher learning or proprietary school licensed under chapter 18.82 RCW, or a correspondence course from any of these institutions, certified by such institution as the equivalent of the required number of clock hours.

(10) "Incapacitated" means the physical or mental inability to perform the duties of broker prescribed by this chapter.

(11) "Principal owner" is the person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, lending institution, or escrow company, regardless of the form of business organization employed and regardless of whether such interest stands in the person's true name or in the name of a nominee.

(12) "Land development representative" means a natural person employed directly by a real estate broker in the performance of public relations acts.

(13) "Land development" means any subdivision, plat, or survey which is divided into ten or more unimproved parcels, units, or interests.

(14) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which requires, in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller.

(15) "License" means the permission to engage in the acts and practices governed by this chapter, and, where indicated by the context, the documentary evidence of licensing under this chapter.

NEW SECTION. Sec. 3. The director has the following powers and duties:

(1) To appoint and employ such assistants as are deemed necessary to carry out the responsibilities of this chapter, and to delegate to such assistants such of the duties imposed under this chapter as the director deems appropriate. Neither the director nor any salaried employee shall be interested in any real estate business regulated by this chapter. If any real estate broker, associate real estate broker, or salesperson is employed by the director or by the commission, the license of such broker, associate real estate broker, or salesperson shall not be revoked, suspended, or canceled by reason thereof;

(2) To issue rules to govern the activities of real estate brokers, associate real estate brokers, salespersons, and land development representatives to carry out the intent and purpose of this chapter with the advice and approval of the commission;

(3) To issue licenses to persons meeting the qualifications established for such licenses under this chapter, and to deny the applications of those persons who do not meet such qualifications or are otherwise ineligible for licensure under this chapter;

(4) To suspend or revoke previously issued licenses in accordance with this chapter;

(5) To approve educational programs offered to satisfy the educational prerequisites for licensure established by this chapter with the advice and approval of the commission;

(6) To prohibit the use of deceptive names or trade practices by licensees under this chapter;

(7) To institute a program of education for the benefit of the licensees and the general public with the advice and approval of the commission;

(8) To provide examinations and prescribe the method of conducting them, and fix the time and places for holding the examinations with the advice and approval of the commission. An examination shall be given at least once per month with not less than six examinations per year in each of the following six areas of the state: northwest Washington, southwest Washington, northeast Washington, southeast Washington, north central Washington, and south central Washington; and

(9) To prescribe and issue a license and pocket identification card to the broker of each active licensee.

NEW SECTION. Sec. 4. There is established the real estate commission of the state of Washington, consisting of the director and six commission members who shall act in an advisory capacity to the director.

The six commission members shall be appointed by the governor for terms of six years each. At least two of the commission members shall be selected from the area of the state west of the Cascade mountain range and at least two shall be selected from that area of the state east of the Cascade mountain range. Five commission members shall individually have at least five years experience in the sale, operation, or management of real estate in this state. The remaining commissioner shall be a citizen member who is not licensed under this chapter, but who is knowledgeable in real estate and business matters. Vacancies on the commission shall be

filled by a person qualified to fill that vacancy by appointment by the governor for the unexpired term.

The members of the real estate commission existing prior to the effective date of this 1979 act, shall continue to serve out the terms to which they were appointed as the members of the real estate commission created under this section. Upon the first expiration, after the effective date of this 1979 act, of a term of appointment of one of the members of the real estate commission, that vacancy shall be filled by the appointment of the citizen member.

NEW SECTION. Sec. 5. The six members of the commission shall receive as compensation fifty dollars or at the uniform board compensation rate, whichever is greater, for each day or portion thereof actually spent on official business. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

NEW SECTION. Sec. 6. The commission has the following powers and duties:

(1) To review and approve the questions and method of administration of examinations conducted under this chapter;

(2) To review courses and recommend the acceptance or rejection of such courses to the director for satisfaction of clock hours of instruction;

(3) To advise the director on the administration of this chapter and the adoption of rules governing the activities of real estate brokers, associate brokers, salespersons, and land development representatives;

(4) To advise and assist the director in instituting a program of education for the benefit of licensees under this chapter.

NEW SECTION. Sec. 7. (1) A person who desires to be licensed as a real estate salesperson, associate broker, or broker shall:

(a) Make application to the director on a form furnished by the director and signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office;

(b) Meet the minimum qualifications for licensure established in section 8 of this act;

(c) Meet the training requirements established in section 9 of this act;

(d) Successfully pass the examination provided for in section 10 of this act; and

(e) Pay a license fee established by rule.

(2) An application for an initial salesperson's, associate broker's, or individual broker's license must be completed and delivered to the director within one year of the date the applicant successfully passes the appropriate license examination. To be complete, the application must be accompanied by all supporting documents and the license fee. An application which is not completed and delivered to the director within one year of the date the applicant successfully passes the license examination shall be denied. An applicant who is denied a license on this basis may, upon successfully passing another examination, submitting a new application in compliance with this chapter.

(3) The director may waive the training requirement or examination, or both, of an applicant for a license who is currently licensed in another state having similar licensure requirements, under the laws of which similar recognition and courtesies are extended to licensees of this state by mutual written agreement of the directors and commissions of the concerned states.

(4) The director shall waive the initial prelicense education, training, and experience requirements for an applicant who is a member in good standing of the Washington state bar association. If a license obtained under this subsection is revoked, suspended, or not renewed under section 29 of this act, the waiver granted under this subsection shall no longer apply.

NEW SECTION. Sec. 8. To meet the minimum qualifications for a salesperson's, associate broker's, or broker's license, the applicant must:

- (1) Be eighteen years of age or older;
- (2) Be a resident of the state of Washington;
- (3) Have passed a salesperson's examination if seeking a salesperson's license, or a broker's examination if seeking a broker's or associate broker's license;
- (4) Have a high school diploma or its equivalent; and
- (5) Furnish such proof as the director may require concerning the applicant's veracity, good reputation, and identity. Proof shall include, but is not limited to, fingerprints.

This section does not apply to persons who are licensed as salespersons, associate brokers, or brokers under the laws of this state existing prior to the effective date of this 1979 act, whose licenses have not been subsequently canceled or revoked.

NEW SECTION. Sec. 9. Prior to taking a license examination under this chapter, the applicant must have completed the following education, training, and experience requirements:

(1) If a real estate salesperson examination is applied for, thirty clock hours of instruction in real estate; or

(2) If a real estate broker's examination is applied for:

(a) Ninety clock hours of instruction in real estate which have been approved by the director as prerequisites for the broker's examination. A course of instruction used to satisfy the requirements for application for a real estate salesperson's examination or for first renewal of the real estate salesperson's license may not be used to satisfy the requirements for a real estate broker's examination; and

(b) A minimum of two years of actual experience as a full-time real estate salesperson in this state, or in another state having comparable requirements, within the five years previous to applying for the examination, or is, in the opinion of the director, otherwise similarly qualified by reason of practical experience in a business allied with or related to the real estate field.

NEW SECTION. Sec. 10. The director shall provide each original applicant for an examination, upon the applicant's payment of the examination fee established by rule, with a manual containing a sample list of questions and answers pertaining to real estate law and the operation of the real estate business. The director may provide the manual at cost to any licensee or member of the general public. The examination fee established for the broker's examination shall be greater than the fee established for the real estate salesperson's examination. The director shall ascertain by written examination that each applicant, and in the case of a corporation or partnership, that each officer, agent, or member thereof whom it proposes to act as a licensee, has:

(1) Appropriate knowledge of the English language, including its use in reading, writing, and spelling;

(2) Appropriate knowledge of arithmetic;

(3) An understanding of the principles of real estate conveyancing and the general purposes and legal effect of deeds, mortgages, land contracts of sale, exchanges, rental and option agreements, and leases;

(4) An understanding of the principles of land economics and appraisals;

(5) An understanding of the obligations between principal and agent;

(6) An understanding of the principles of real estate practice and the canons of business ethics pertaining thereto;

(7) An understanding of the provisions of this chapter; and

(8) An understanding of the laws against discrimination.

The examination for real estate brokers shall be more exacting than that for real estate salespersons.

Moneys received from the sale of the manual to licensees and members of the public shall be placed in the real estate commission account to be returned to the current biennium operating budget of the biennium in which it is collected.

**NEW SECTION.** Sec. 11. Licenses issued under this chapter expire on the date two years from the date of issue, which date is the renewal date. Licenses issued or renewed prior to the effective date of this 1979 act shall use the pre-existing renewal date as the date of issue. The director may adopt a staggered renewal schedule and may prorate license fees as necessary.

A license shall be renewed if, prior to the expiration date of the license, the applicant:

(1) Has completed the continuing education requirements established in section 12 of this act; and

(2) Pays a renewal fee established by rule, which shall be at least the amount of the fee for original licensure in effect at the time renewal is applied for.

A real estate license shall expire on its renewal date if the renewal request, including evidence of completion of the continuing education requirements and payment of the renewal fee, is not received by the director before the renewal date. Failure to comply with this section within one year of the renewal date shall result in the cancellation of the license. A delinquency charge established by rule shall be assessed in addition to the renewal fee for any license renewal application which is received after the renewal date.

Fees required under this chapter shall be paid to the state treasurer. The sum of ten dollars from each two-year license and renewal fee and five dollars from each one-year license and renewal fee received from a broker, associate broker, or salesperson shall be placed in the general fund. The balance of such fees and all other fees paid under this chapter shall be placed in a special account to be designated the real estate commission account, one-half of which shall be held and used for the sole purpose of inspecting the books, records, and operations of brokers, associate brokers, and salespersons.

**NEW SECTION.** Sec. 12. All persons licensed under this chapter shall continue their real estate education through approved courses of instruction. Two years from the date of first issuance or renewal of a license after the effective date of this act and every two years thereafter the licensee shall provide evidence with the renewal application that the licensee has completed thirty clock hours of continuing real estate education within the previous two years. A license may not be renewed until certification of completion of the continuing education is provided. The license of any person who fails to provide evidence to the director of completion of the required continuing education within one year of the required date shall be canceled.

**NEW SECTION.** Sec. 13. The minimum qualifications for a corporation or partnership to receive a broker's license are specified in this section.

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall hold a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish such proof as the director may require concerning the veracity, good reputation, and identity, including fingerprints, of the designated broker, officers, and principal owners of the corporation directly involved in the company's real estate activity and, in the case of a partnership, the general partners and all principal owners.

(3) The applicant shall furnish such proof as the director may require of:

(a) Any conviction for a crime, during the ten-year period preceding the date of the application, which involves the designated broker or a corporate officer or a principal owner or partner directly involved in the company's real estate activity. "Conviction" includes any instances in which a plea of guilty or nolo contendere is

the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended; and

(b) Any adverse judgment within the five-year period preceding the date of application in any civil action involving fraud, conversion, or misrepresentation which involves the designated broker or a corporate officer or a principal owner or partner directly involved in the company's real estate activity.

(4) If the applicant is a corporation, it shall furnish a list of its officers, directors, and principal owners, and their addresses. If the applicant is a partnership, it shall furnish a list of the members of the partnership and their addresses.

(5) If the applicant is doing business under an assumed name, it shall furnish a copy of the certification of assumed name as filed with the county clerk in the county or counties in which the applicant does business as provided in chapter 19.80 RCW.

(6) If the applicant is a corporation, it shall furnish a copy of its articles of incorporation and current annual report. If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

**NEW SECTION.** Sec. 14. (1) An individual broker, associate broker, or salesperson license issued under this chapter and not otherwise revoked shall be deemed "inactive" at any time it is delivered to the director. Until the license is reissued under this chapter, the holder of an inactive license shall not engage in any real estate activity which requires a real estate license.

(2) An inactive license may be renewed on the same terms and conditions as an active license, except the continuing education requirements, and failure to renew the license shall result in cancellation in the same manner as an active license. An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with this chapter and the rules adopted under this chapter.

(3) The provisions of this chapter relating to the denial, suspension, and revocation of a license are applicable to an inactive license as well as an active license, except that, when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

(4) An inactive license may be activated if the licensee completes an aggregate amount of continuing real estate education equal to fifteen clock hours of instruction for each year or part thereof that the license was inactive, but not to exceed ninety clock hours: PROVIDED, That thirty clock hours of the required amount must have been completed within the two years immediately preceding the date of application for activation of the license. A new license may be obtained by satisfying the requirements for initial licensing, including the applicable examination and educational requirements.

**NEW SECTION.** Sec. 15. Unless the method of operation is adopted for purposes of evasion of this chapter, this chapter does not apply to:

(1) A natural person who directly performs any of the acts within the scope of this chapter with reference to the person's own property;

(2) A duly authorized attorney in fact, or an attorney at law, in the performance of the attorney's duties;

(3) A receiver, trustee in bankruptcy, executor, administrator, guardian, or person acting under the order of any court of this state or selling under a deed of trust;

(4) A secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity requiring a license under this chapter;

(5) A corporation which, through regular officers receiving no special compensation therefor, performs any of the acts within the scope of this chapter with reference to the corporation's own property;

(6) A partnership, which, through general or limited partners receiving no special compensation therefor, performs any of the acts within the scope of this chapter with reference to the partnership's own property;

(7) Officials and employees of government agencies acting within their official duties;

(8) Rental or lease activity of residential property by persons not otherwise required to be licensed under this chapter;

(9) Rental or lease activity of commercial property by any owner of the property or a member of the owner's family, if such person is not otherwise required to be licensed under this chapter; or

(10) Rental or lease activity by a travel agent or the manager or staff of a commercial business offering transient lodging.

**NEW SECTION.** Sec. 16. A temporary broker's permit may, in the discretion of the director, be issued to a qualified representative of a deceased or incapacitated real estate broker or designated broker, or to a senior qualified salesperson in the office of the deceased or incapacitated broker or designated broker.

A temporary broker's permit issued under this section shall be for the purpose of completing the existing real estate transactions as recorded in the ledgers of the firm. The permit shall only be valid for a period of six months and may not be renewed or reissued.

**NEW SECTION.** Sec. 17. The director may issue a land development representative registration to any applicant upon application made by the employing real estate broker on a form provided by the director. To meet minimum qualifications for registration as a land development representative, an individual must:

(1) Be eighteen years of age or older;

(2) Be a resident of the state of Washington; and

(3) Furnish such proof as the director may require concerning the applicant's honesty, good reputation, and identification. Proof shall include, but is not limited to, fingerprints.

**NEW SECTION.** Sec. 18. The registration for a land development representative shall be issued to and retained by the employing broker and shall be displayed in the same manner as set forth in this chapter for licenses. A fee established by rule shall accompany each application for registration. Each registration shall be valid for a period of one year from date of issue or until employment with the broker is terminated, whichever occurs first. A registration may not be transferred to another broker, nor may a representative be registered to more than one broker at a time. On the termination of employment of a land development representative, the broker shall release and return the registration to the director.

**NEW SECTION.** Sec. 19. (1) The activity of a registered land development representative under this chapter shall be restricted to land developments and limited to:

(a) Disseminating information;

(b) Contacting prospective purchasers; and

(c) Transporting prospective purchasers to the land development site.

(2) This section shall not be construed to authorize any land development representative to:

(a) Engage in the selling of real estate;

(b) Negotiate for or bind the broker, seller, or purchaser in any agreement relating to the sale of real estate;

(c) Receive or handle funds;

(d) Assist in preparation of documentation attendant upon the sale of real estate; or

(e) Engage in any other conduct or activity requiring a license under this chapter except as provided by subsection (1) of this section.

(3) Full responsibility for the activities of the land development representative rests with the employing broker. The director may deny, suspend, or revoke the registration of any land development representative or the license of the employing broker for any violation of this chapter by the land development representative.

**NEW SECTION.** Sec. 20. (1) Responsibility for the conduct of any salesperson, associate broker, land development representative, or branch manager covered by this chapter, whether for his or her own account or the account of others, rests with the broker to which the person is licensed or registered.

In addition to the broker, the branch manager bears responsibility for the conduct of any salesperson, associate broker, or land development representative operating under the branch manager at a branch office.

(2) The designated broker is responsible for the real estate activities of the corporation or partnership licensed under this chapter.

**NEW SECTION.** Sec. 21. The license of a real estate salesperson or associate real estate broker shall be retained at all times by the broker and, if the real estate salesperson or associate real estate broker ceases to represent the broker, the license shall cease to be in force. Notice of the termination shall be given by the broker to the director and the notice shall be accompanied by and include the surrender of the salesperson's or associate real estate broker's license. Alternatively, the branch manager at the branch office of the licensee may give the notice to the director.

Failure of a broker to promptly notify the director of the salesperson's or associate real estate broker's termination after demand by the terminating salesperson or associate real estate broker is grounds for suspension or revocation under section 29 of this act. Upon application of the salesperson or associate real estate broker and the payment of a fee established by rule, the director shall issue a new license for the unexpired term of the old license, if such salesperson or associate real estate broker is otherwise entitled thereto. When a real estate salesperson's or associate real estate broker's services are terminated by his or her broker for a violation of any of the provisions of section 29 of this act, a written statement of the facts in reference thereto shall be filed with the director by the broker within ten days of the termination.

**NEW SECTION.** Sec. 22. Every real estate broker or designated broker, except persons issued a nonresident broker license, shall establish and maintain an office in this state, accessible to the public during reasonable business hours, which shall serve as the broker's office for the transaction of business. The office shall be separate from any other real estate brokerage office. An office so established must comply with the zoning requirements of the city or county in which it is located. The broker shall prominently display the license of the broker and any associate brokers or salespersons.

The real estate broker shall keep adequate records of all real estate transactions handled by or through the broker. The records shall include, but are not limited to, a copy of the earnest money receipt and an itemization of the broker's receipts and disbursements for each transaction. These records and all other records required by this chapter shall be open to inspection by the director at any reasonable time.

The real estate broker shall deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed legible copies or certified true copies of all earnest money receipts, listing agreements, closing statements, and other like or similar instruments signed by the parties.

The real estate broker shall keep separate real estate trust accounts on demand deposit in a recognized Washington state depository, in which shall be kept separate and apart and physically segregated from the broker's own funds all funds or moneys of clients which are being held by the broker pending the closing of a real estate or other transaction, or which have been collected for the client and are being held

for disbursement for or to the client. The funds shall be deposited not later than the first banking day following receipt thereof.

**NEW SECTION.** Sec. 23. (1) A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office, or under a name or names different from that of the main office if the name or names are approved by the director. The real estate broker shall pay a fee, as established by rule, for the establishment of each branch office. The director shall issue a duplicate license for each branch office showing the location of the branch office. The duplicate license shall be prominently displayed in the office for which it was issued. The branch office shall have a branch manager who shall be an associate broker authorized by the broker or designated broker to perform the duties of a branch manager. The branch manager shall be responsible for all activities at the branch office and shall actively supervise the operation of the branch office.

(2) The branch office shall be clearly identified as a branch or division of the main office. A broker may not establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the branch office and in any advertisement, on any letterhead of any stationery or any forms, and on any signs used by the real estate firm, on which the name of the branch office appears.

(3) A branch office license is not required where real estate sales activity is conducted on and limited to a particular subdivision, condominium development, or tract if the broker has a licensed office or branch office located within thirty-five miles of the subdivision, condominium development, or tract.

(4) A model house or mobile home may be used as a tract sales office or branch office for the transaction of business on the subdivision or tract during the period of sales at that particular subdivision or tract.

**NEW SECTION.** Sec. 24. Written notice shall be given to the director of any change of business location by a real estate broker, associate broker, salesperson, land development representative, or branch office. The broker or designated broker shall make application, on a form prescribed and furnished by the director, for relicensing at the new location. The application shall include the surrender of all licenses and a fee, as established by rule, for each license to be reissued.

**NEW SECTION.** Sec. 25. No license issued under this chapter authorizes any person other than the person to whom the license is issued to do any act by virtue thereof or to operate in any other manner than under his or her own name. However, a broker, associate broker, or salesperson may operate and advertise under a name other than the one under which the license is issued by obtaining the written consent of the director to do so.

**NEW SECTION.** Sec. 26. (1) A nonresident broker may apply for and be issued a nonresident broker's license upon compliance with this chapter. The applicant shall not maintain a definite place of business within this state, but shall retain in this state all funds arising from transactions within this state until such funds are distributed to the proper parties involved. A nonresident broker is subject to the requirements of this chapter relating to the handling and depositing of client funds.

The privileges accorded to a nonresident broker by this chapter apply only to a licensed real estate broker and only so long as the broker:

(a) Maintains an active place of business in the state of the broker's domicile;  
 (b) Maintains a license in good standing in the state of domicile; and  
 (c) Is domiciled in a state which extends similar recognition and courtesies to licensed real estate brokers of this state.

(2) Associate brokers and salespersons licensed to a nonresident broker who has been issued a nonresident broker's license may apply for and be issued a nonresident license in this state upon compliance with this chapter. The nonresident license may

be retained during such time as the licensee continues to be licensed under the non-resident broker and so long as the salesperson or associate broker maintains a license in good standing under the same broker in the state of the broker's domicile.

The nonresident license of associate brokers and salespersons shall be retained at all times by the nonresident broker. If the nonresident licensee ceases to represent the broker, the nonresident license shall cease to be in effect. Written notice of the termination shall be mailed and postmarked by the next business day by the nonresident broker to the director. The notice shall be accompanied by and include the release of the license. If the license is not reactivated with a nonresident broker prior to the next renewal date, the license shall be canceled.

(3) A nonresident license issued under this section may be renewed on the same terms and conditions as an active resident license.

(4) The director may waive, for nonresident licenses, the examination and other qualifying requirements. An applicant for a nonresident license shall be licensed in a state having similar requirements and, under the laws of which, similar recognition and courtesies are extended to licensees of this state by mutual written agreement of the appropriate directors and commissions of the concerned states.

(5) The regulatory provisions of this chapter apply to all nonresident brokers, nonresident associate brokers, and nonresident salespersons performing real estate activities in this state.

(6) An applicant for a nonresident license shall irrevocably consent to having suits and actions commenced against the applicant in any county of this state in which the plaintiff may reside, and to service of any process or pleadings by delivery thereof to the director. The service shall be valid and binding upon the applicant. The consent shall be in the form prescribed by the director, acknowledged before a notary public, and, if the applicant is a corporation, accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the consent. Any process or pleading so served upon the director shall be in duplicate. One copy shall be filed in the office of the director and one copy shall be immediately forwarded by registered mail to the applicant's office address given in the applicant's application. Service shall be deemed to have been made upon the applicant on the third day following the deposit of the copy in the mail.

**NEW SECTION.** Sec. 27. It is unlawful for any person to act as a real estate broker, associate real estate broker, or real estate salesperson without first obtaining a license therefor, and otherwise complying with this chapter.

No suit or action shall be brought for the collection of compensation for any acts or services as a real estate broker, associate real estate broker, or real estate salesperson, without alleging and proving that the plaintiff was a duly licensed real estate broker, associate real estate broker, or real estate salesperson prior to the time of offering to perform any such act or service or procuring any promise or contract for the payment of compensation for any such contemplated act or service.

**NEW SECTION.** Sec. 28. It is unlawful for a broker to pay any part of the broker's commission or other compensation to a person who is not a licensed real estate broker in a state of the United States or its possessions or a province of Canada, or to a real estate salesperson or associate broker not licensed to do business for the broker when the compensation was earned. It is unlawful for a salesperson or associate broker to pay any part of his or her commission or other compensation to any person, whether licensed or not, except through the licensee's broker.

**NEW SECTION.** Sec. 29. The director may, upon the director's own motion, and shall, upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesperson, regardless of whether the transaction was for the person's own account or in the person's capacity as a licensee. The director may suspend, revoke, or deny the license of any person. If the

director finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in the director's order, summary suspension of a license may be ordered pending proceedings for revocation or suspension. These proceedings shall be promptly instituted and determined.

The following are prohibited acts and practices and are grounds for suspending or revoking a license issued under this chapter or for denying an application for licensure under this chapter:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any rules adopted under this chapter, or failing to meet the requirements for licensure set forth in this chapter;

(3) Being convicted in federal court or a court of this or any other state, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses. For the purposes of this section, "being convicted" includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended. A certified copy of the final decision of a court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions, or promises purport to be made or to be performed by either the licensee or the licensee's principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions, or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device;

(6) Acceptance of compensation by an associate real estate broker or a real estate salesperson, for performing any act or service governed by this chapter, from any person except the broker to whom the person was licensed when the compensation was earned;

(7) Converting any money, contract, deed, note, mortgage, abstract, or other evidence of title, to the person's own use or to the use of the person's principal or of any other person, when delivered to the person in trust or on condition, in violation of the trust or before the happening of the condition. Failure to return the money or contract, deed, note, mortgage, abstract, or other evidence of title when the owner thereof is entitled thereto, and makes demand therefor, is prima facie evidence of conversion;

(8) Failing, upon demand, to disclose any information within the person's knowledge or to produce any document, book, or record in the person's possession for inspection of the director or the director's authorized representatives acting under authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by written order, stated objections thereto;

(10) Advertising as an associate real estate broker or a real estate salesperson without affixing the name of the broker, as licensed, with whom or under whom the salesperson or associate broker operates, to the advertisement;

(11) Committing an act of fraudulent or dishonest dealing or a crime involving moral turpitude. A certified copy of the final decision of a court of competent jurisdiction in the matter shall be conclusive evidence in any hearing under this chapter;

(12) Advertising as a real estate broker without affixing the broker's name as licensed;

(13) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to the owner's acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(14) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(15) Accepting, taking, or charging an undisclosed commission, rebate, or direct profit on expenditures made for the principal;

(16) Accepting employment or compensation for appraisal of real property or a business opportunity contingent upon reporting a predetermined value;

(17) Issuing an appraisal report on any real property or business opportunity in which the broker or sales agent has an interest unless his or her interest is clearly stated in the appraisal report;

(18) Misrepresentation of the person's membership in a local, state, or national real estate board or association;

(19) Discrimination against any person, in hiring or in sales activity, on the basis of race, color, creed, or national origin, or violating any state or federal anti-discrimination law;

(20) Failing to place on file with the licensee's broker or designated broker a copy of all agreements involving the sale or purchase of real estate or business opportunities for the licensee's own account or the account of others;

(21) As to a real estate broker and designated broker:

(a) Failing to keep, for a period of six years, records of all real estate and business opportunity transactions, and records of trust account funds received, deposited, or disbursed by the broker relating to all such transactions, and such other pertinent information as the director may require. All such records shall be available to the director, or the director's representative, on demand, or upon written notice given to the licensee's bank;

(b) Failing to maintain and preserve for six years following its consummation records relating to any real estate and business opportunity transaction handled by the broker or any licensee authorized to represent the broker;

(c) Failing to furnish a legible copy or certified true copy of any listing, sale, lease, or other contract relevant to a real estate or business opportunity transaction to all signatories thereof at the time of execution;

(d) Failing to exercise active supervision over the activities of the associate brokers, salespersons, and land development representatives licensed to the broker and of the real estate agency in any of the activities governed by this chapter;

(e) Accepting the services of, or continuing in a representative capacity, a sales agent who has not been granted a license, or who does not have a valid real estate license to work for the broker, or whose license has been revoked or suspended; or

(f) Permitting a licensee to conduct his or her own real estate business or rental agency under the broker's license or firm name without the broker having full management and supervisory authority over the activity;

(22) Directing any transaction, involving the licensee's principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, or to any lending institution or escrow company in which the licensee is a principal owner, without first disclosing such expectation in writing to the licensee's principal;

(23) Failing to disclose in writing to the owner, seller, or purchaser the person's interest or true position, if the person directly or indirectly sells, leases, or acquires for himself or herself any interest in real estate or in a business opportunity;

(24) Violating an order to cease and desist issued by the director under this chapter;

(25) Acting as a mobile home and travel trailer dealer or salesperson, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so;

(26) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker or salesperson;

(27) Receiving a fee paid in advance for information concerning residential housing units available for rent;

(28) Violating the land development act, chapter 58.19 RCW; or

(29) Including any term, condition, or provision which is unconscionable, unenforceable, misleading, or deceptive, in the printed text of any form real estate document, including, but not limited to, a listing agreement, earnest money receipt and agreement, real estate contract and closing instructions.

For purposes of this section, the acts of an officer or principal owner of a corporation are chargeable to the corporation and to the designated broker thereof, and the acts of a general partner or principal owner are chargeable to the partnership and to the designated broker thereof.

**NEW SECTION.** Sec. 30. All proceedings to suspend or revoke a license, and all hearings requested in connection with the denial of an application for licensure or the issuance of a cease and desist order, and all rulemaking under this chapter shall be conducted in accordance with the administrative procedure act, chapter 34.04 RCW, as now enacted or hereafter amended. However, RCW 34.04.170(2) does not apply to actions taken under this chapter.

The director may deputize one or more of the director's assistants to perform the director's duties with reference to denial, revocation, or suspension of licenses and the issuance of cease and desist orders, including the power to preside at hearings and to render decisions therein.

**NEW SECTION.** Sec. 31. (1) The director may issue a cease and desist order to a person after notice and an investigation and hearing and upon a determination that the person has violated this chapter or an order or rule of the director.

(2) If the director makes a written finding of fact that the public interest imperatively requires emergency action, the director may issue a temporary cease and desist order. Before issuing a temporary cease and desist order, the director shall attempt to give notice by telephone or otherwise of the temporary cease and desist order to the person subject to the order. A temporary cease and desist order shall include a provision that a hearing will be held upon request to determine whether or not the order will become permanent. If a hearing is not requested within twenty days of the date of issuance, the temporary cease and desist order shall become permanent unless the director orders otherwise. A hearing shall be held within thirty days after the director receives the request for hearing, unless the person requests a later date.

**NEW SECTION.** Sec. 32. The director may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

The prosecuting attorney of each county shall prosecute any criminal violation of this chapter which occurs in the county.

Process issued by the director shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record or may be mailed by registered mail to the person's last business address of record in the office of the director.

Whenever the director believes from evidence satisfactory to the director that a person has violated this chapter or any order, license, decision, demand, requirement, or any part or provision thereof, the director may bring an action, in the superior court of the county in which the person resides, to enjoin the person from

continuing the violation or doing any act or acts in furtherance thereof. In this action, an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

The director may petition the superior court of any county of this state for the immediate appointment of a receiver to take over, operate, or close a real estate office in this state which is found, upon inspection of its books and records, to be operating in violation of this chapter.

**NEW SECTION.** Sec. 33. A person acting as a real estate broker, associate real estate broker, or real estate salesperson without a license, or a land development representative without a registration, or violating this chapter, is guilty of a gross misdemeanor.

**NEW SECTION.** Sec. 34. Each real estate multiple listing association shall submit to the real estate commission, for approval or disapproval, its entrance requirements. No later than sixty days after receipt of the real estate multiple listing association's entrance requirements, the commission shall, with the director's approval, approve or disapprove the entrance requirements. In no event shall the real estate commission approve any entrance requirements which are more restrictive on the person applying to join a real estate multiple listing association than the following:

(1) Require the applicant at the time of application and admission to be a licensed broker under chapter 18.85 RCW;

(2) Require the applicant, if all members of the real estate multiple listing association are so required, to obtain and maintain a policy of insurance, containing specified coverage within designated limits, protecting members from claims by sellers who have made keys to their premises available to members for access to their properties, against losses arising from damage to or theft of contents of the properties;

(3) Require the applicant to pay an initiation fee computed by dividing an amount equal to five times the book value of the real estate multiple listing association concerned (exclusive of any value for listings and exclusive of all investments not related to the operation of the real estate multiple listing association and exclusive of all real estate), by the number of real estate broker members of the organization: PROVIDED, That in no event shall the initiation fee exceed twenty-five hundred dollars;

Rules of the association shall not violate federal or state law. Nothing in this section shall be construed to limit the application of chapter 19.86 RCW.

**NEW SECTION.** Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 252, Laws of 1941, section 1, chapter 118, Laws of 1943, section 1, chapter 222, Laws of 1951, section 1, chapter 235, Laws of 1953, section 1, chapter 78, Laws of 1969, section 1, chapter 139, Laws of 1972 ex. sess., section 1, chapter 57, Laws of 1973 1st ex. sess., section 1, chapter 370, Laws of 1977 ex. sess., section 68, chapter ... (HB 849), Laws of 1979 and RCW 18.85.010;

(2) Section 5, chapter 252, Laws of 1941, section 1, chapter 111, Laws of 1945, section 2, chapter 222, Laws of 1951, section 2, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.030;

(3) Section 4, chapter 252, Laws of 1941, section 3, chapter 222, Laws of 1951, section 2, chapter 235, Laws of 1953, section 3, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.040;

(4) Section 5, chapter 252, Laws of 1941, section 1, chapter 111, Laws of 1945, section 4, chapter 222, Laws of 1951, section 3, chapter 235, Laws of 1953, section 4, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.050;

(5) Section 8, chapter 252, Laws of 1941, section 5, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.060;

(6) Section 17, chapter 235, Laws of 1953, section 6, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.071;

(7) Section 14, chapter 252, Laws of 1941, section 6, chapter 222, Laws of 1951, section 4, chapter 235, Laws of 1953, section 49, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.85.080;

(8) Section 18, chapter 235, Laws of 1953, section 1, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.085;

(9) Section 15, chapter 252, Laws of 1941, section 7, chapter 222, Laws of 1951, section 5, chapter 235, Laws of 1953, section 8, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.090;

(10) Section 7, chapter 139, Laws of 1972 ex. sess., section 2, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.095;

(11) Section 8, chapter 222, Laws of 1951, section 9, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.100;

(12) Section 3, chapter 252, Laws of 1941, section 9, chapter 222, Laws of 1951, section 10, chapter 139, Laws of 1972 ex. sess., section 9, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.110;

(13) Section 10, chapter 222, Laws of 1951, section 6, chapter 235, Laws of 1953, section 1, chapter 42, Laws of 1973 1st ex. sess., section 2, chapter 24, Laws of 1977 ex. sess., section 3, chapter 370, Laws of 1977 ex. sess., section 1, chapter 25, Laws of 1979 and RCW 18.85.120;

(14) Section 11, chapter 222, Laws of 1951, section 11, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.130;

(15) Section 12, chapter 222, Laws of 1951, section 7, chapter 235, Laws of 1953, section 12, chapter 139, Laws of 1972 ex. sess., section 3, chapter 24, Laws of 1977 ex. sess., section 4, chapter 370, Laws of 1977 ex. sess., section 2, chapter 25, Laws of 1979 and RCW 18.85.140;

(16) Section 13, chapter 222, Laws of 1951, section 8, chapter 235, Laws of 1953, section 13, chapter 139, Laws of 1972 ex. sess., section 4, chapter 24, Laws of 1977 ex. sess., section 5, chapter 370, Laws of 1977 ex. sess., section 3, chapter 25, Laws of 1979 and RCW 18.85.150;

(17) Section 14, chapter 139, Laws of 1972 ex. sess., section 6, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.155;

(18) Section 21, chapter 222, Laws of 1951, section 9, chapter 235, Laws of 1953, section 15, chapter 139, Laws of 1972 ex. sess., section 7, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.161;

(19) Section 22, chapter 222, Laws of 1951 and RCW 18.85.163;

(20) Section 10, chapter 252, Laws of 1941, section 2, chapter 111, Laws of 1945, section 14, chapter 222, Laws of 1951, section 16, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.170;

(21) Section 15, chapter 222, Laws of 1951, section 41, chapter 52, Laws of 1957 and RCW 18.85.180;

(22) Section 42, chapter 52, Laws of 1957, section 17, chapter 139, Laws of 1972 ex. sess., section 5, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.190;

(23) Section 43, chapter 52, Laws of 1957, section 17, chapter 266, Laws of 1971 ex. sess. and RCW 18.85.200;

(24) Section 27, chapter 252, Laws of 1941, section 8, chapter 203, Laws of 1947, section 10, chapter 235, Laws of 1953, section 18, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.210;

(25) Section 8, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.215;

(26) Section 7, chapter 252, Laws of 1941, section 11, chapter 235, Laws of 1953, section 1, chapter 22, Laws of 1967 and RCW 18.85.220;

(27) Section 19, chapter 252, Laws of 1941, section 5, chapter 118, Laws of 1943, section 8, chapter 111, Laws of 1945, section 5, chapter 203, Laws of 1947,

section 16, chapter 222, Laws of 1951, section 12, chapter 235, Laws of 1953, section 3, chapter 22, Laws of 1967, section 19, chapter 139, Laws of 1972 ex. sess., section 1, chapter 204, Laws of 1977 ex. sess., section 1, chapter 261, Laws of 1977 ex. sess., section 4, chapter 25, Laws of 1979 and RCW 18.85.230;

(28) Section 45, chapter 52, Laws of 1957 and RCW 18.85.240;

(29) Section 23, chapter 222, Laws of 1951 and RCW 18.85.251;

(30) Section 24, chapter 222, Laws of 1951 and RCW 18.85.261;

(31) Section 25, chapter 222, Laws of 1951, section 20, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.271;

(32) Section 26, chapter 222, Laws of 1951 and RCW 18.85.281;

(33) Section 17, chapter 222, Laws of 1951, section 46, chapter 52, Laws of 1957, section 62, chapter 81, Laws of 1971, section 21, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.290;

(34) Section 17, chapter 252, Laws of 1941, section 3, chapter 118, Laws of 1943, section 18, chapter 222, Laws of 1951 and RCW 18.85.300;

(35) Section 19, chapter 222, Laws of 1951, section 13, chapter 235, Laws of 1953, section 44, chapter 52, Laws of 1957 and RCW 18.85.310;

(36) Section 26, chapter 252, Laws of 1941, section 7, chapter 118, Laws of 1943, section 7, chapter 203, Laws of 1947, section 14, chapter 235, Laws of 1953 and RCW 18.85.320;

(37) Section 24, chapter 252, Laws of 1941, section 6, chapter 118, Laws of 1943, section 15, chapter 235, Laws of 1953 and RCW 18.85.330;

(38) Section 23, chapter 252, Laws of 1941, section 20, chapter 222, Laws of 1951 and RCW 18.85.340;

(39) Section 2, chapter 261, Laws of 1977 ex. sess. and RCW 18.85.343;

(40) Section 9, chapter 252, Laws of 1941 and RCW 18.85.345;

(41) Section 16, chapter 235, Laws of 1953, section 48, chapter 52, Laws of 1957, section 2, chapter 22, Laws of 1967 and RCW 18.85.350;

(42) Section 49, chapter 52, Laws of 1957 and RCW 18.85.360;

(43) Section 2, chapter 78, Laws of 1969 and RCW 18.85.400;

(44) Section 6, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.450;

(45) Section 7, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.460;

(46) Section 8, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.470;

(47) Section 9, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.480;

(48) Section 28, chapter 252, Laws of 1941 and RCW 18.85.900;

(49) Section 27, chapter 222, Laws of 1951 and RCW 18.85.910; and

(50) Section 22, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.920.

These repeals shall not be construed as affecting any existing right acquired under the statutes repealed or under any rule or order adopted pursuant thereto; nor as affecting any proceeding instituted thereunder.

**NEW SECTION.** Sec. 36. Sections 2 through 34 of this act are added to chapter 18.85 RCW.

**NEW SECTION.** Sec. 37. There is appropriated from the real estate commission account in the general fund to the department of licensing for the 1979-1981 biennium the sum of two hundred fifty-six thousand five hundred dollars, or so much thereof as may be necessary, to implement this act.

**NEW SECTION.** Sec. 38. 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. 39. This act shall take effect on October 1, 1979."

## MOTION

Senator Peterson moved Substitute Senate Bill No. 2316, together with the pending amendment by Senator Van Hollebeke, be held for further consideration on Monday, April 9, 1979.

Debate ensued.

There being no objection, the motion by Senator Peterson was withdrawn.

Senator Talmadge moved adoption of the following amendment to the amendment by Senator Van Hollebeke:

Beginning on page 10, line 12 of the amendment, strike all of subsection (4).

Debate ensued.

## POINT OF INQUIRY

Senator Lysen: "When you included members of the Bar under the real estate license, did you consider architects, land surveyors and engineers, land engineers and so forth to qualify in the same way? Architects, as you know, deal with building and are quite knowledgeable in the area and maybe they should be included as well."

Senator Van Hollebeke: "Is the question intended to be a serious one?"

Senator Lysen: "Absolutely."

Senator Van Hollebeke: "All right, thank you. Certainly they would be qualified to tell a lot more about the property than most lawyers about what kind of condition the real estate is in and if they had the 'as-builts' with them and every other drawing of what was done since then and the ability to analyze properly the materials and the conditions they are presently in as some architects do, they could do that. But they certainly would not, by their qualifications necessary to become an architect or engineer, both of which you referred to there, have the qualifications to sell real estate, deal in it, be the broker or agent, properly represent the parties and know the legal ramifications of what they are doing, Senator Lysen. They certainly would not know the legal ramifications of what they are doing as well as a lawyer.

"I am not quite sure that I see that your question goes to the point of this amendment."

Further debate ensued.

The motion by Senator Talmadge failed and the amendment to the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Jones, Senator Matson was excused.

Senator Williams moved adoption of the following amendment to the amendment by Senator Van Hollebeke:

On page 15, line 8 after "Sec. 12." strike everything down to and including "canceled." on line 29 and insert:

"No licensee shall have his license renewed a second time unless the licensee furnishes proof, as the director may require, that the licensee has completed thirty clock-hours of instruction in real estate courses approved by the director."

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Senator Williams, as I understand your amendment, it says that the second time that the licensee goes to get his license renewed, he must furnish proof of thirty clock hours of instruction. Can you imagine how much knowledge that you can impart in thirty clock hours of time to catch a man up on the industry after having been out, and why would it be necessary, do you suppose, to go back and pick up, as some of them want, ninety hours? Wouldn't it be a waste of

time for the person and the department too to do the ninety hours though, if he has not been in the business, as I understand it?"

Senator Williams: "Senator Guess, my amendment does not deal at all with those inactive licenses. For people who have been out of the business. I have not touched the language that is in the bill before us in terms of continuing education for inactive licenses. This deals only with those people who are out there today in the business, an active license, selling real estate or brokers. This does not deal with those people that are away from the business for a while and then come back into it."

Senator Guess: "All right, but you say, 'renewed a second time.'"

Senator Williams: "Right. This is present law. This is what is occurring now. In other words, if you get a license now, within the next two times that you renew your license, you have to take thirty clock hours of continuing education. That is existing law, and that is what this amendment does is reinstates existing law."

Further debate ensued.

The motion by Senator Williams carried and the amendment to the amendment by Senator Van Hollebeke was adopted on a rising vote.

Senator Day moved adoption of the following amendment to the amendment by Senator Van Hollebeke:

On page 49, line 32, immediately following section 35 insert a new section to read as follows:

**"NEW SECTION. Sec. 36.** The director of the department of licenses shall from time to time establish the amount of all fees to be charged under this chapter. In fixing said fees the director shall, insofar as is practicable, fix the fees in such a manner that the income will match the anticipated expenses to be incurred in the administration of said chapter. All such fees shall be fixed by rule and regulation adopted by the director in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the fee in the following cases be fixed at an amount less than five dollars or in excess of ten dollars:

- (a) Termination and reissue of a salesperson's or associate broker's license;
- (b) Establishment of a branch office;
- (c) Change of location;

(2) In no event shall the fee in the following cases be fixed at an amount less than fifteen dollars or in excess of thirty dollars:

- (a) Registration of a land development representative;

(3) The fee in the following cases shall be fixed at an amount of not less than twenty-five dollars but not in excess of fifty dollars:

- (a) Salesperson's annual license;
- (b) Salesperson's examination;

(4) The fee in the following cases shall be fixed at an amount of not less than forty dollars but not in excess of eighty dollars:

- (a) Broker's or associate broker's annual license;
- (b) Broker's examination;

(5) A delinquency charge of not to exceed fifty per centum shall be added to any annual license renewal fee which is received after the renewal date."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator Day carried and the amendment to the amendment by Senator Van Hollebeke was adopted.

The motion by Senator Van Hollebeke carried and the amendment, as amended, was adopted.

On motion of Senator Van Hollebeke, the following amendment to the title was adopted:

On page 1, on line 1 of the title, after "salespersons;" strike the remainder of the title and insert "adding new sections to chapter 18.85 RCW; creating a new section; repealing section 2, chapter 252, Laws of 1941, section 1, chapter 118, Laws of 1943, section 1, chapter 222, Laws of 1951, section 1, chapter 235, Laws of 1953, section 1, chapter 78, Laws of 1969, section 1, chapter 139, Laws of 1972 ex. sess., section 1, chapter 57, Laws of 1973 1st ex. sess., section 1, chapter 370, Laws of 1977 ex. sess., section 68, chapter ... (HB 849), Laws of 1979 and RCW 18.85.010; repealing section 5, chapter 252, Laws of 1941, section 1, chapter 111, Laws of 1945, section 2, chapter 222, Laws of 1951, section 2, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.030; repealing section 4, chapter 252, Laws of 1941, section 3, chapter 222, Laws of 1951, section 2, chapter 235, Laws of 1953, section 3, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.040; repealing section 5, chapter 252, Laws of 1941, section 1, chapter 111, Laws of 1945, section 4, chapter 222, Laws of 1951, section 3, chapter 235, Laws of 1953, section 4, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.050; repealing section 8, chapter 252, Laws of 1941, section 5, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.060; repealing section 17, chapter 235, Laws of 1953, section 6, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.071; repealing section 14, chapter 252, Laws of 1941, section 6, chapter 222, Laws of 1951, section 4, chapter 235, Laws of 1953, section 49, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.85.080; repealing section 18, chapter 235, Laws of 1953, section 1, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.085; repealing section 15, chapter 252, Laws of 1941, section 7, chapter 222, Laws of 1951, section 5, chapter 235, Laws of 1953, section 8, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.090; repealing section 7, chapter 139, Laws of 1972 ex. sess., section 2, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.095; repealing section 8, chapter 222, Laws of 1951, section 9, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.100; repealing section 3, chapter 252, Laws of 1941, section 9, chapter 222, Laws of 1951, section 10, chapter 139, Laws of 1972 ex. sess., section 9, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.110; repealing section 10, chapter 222, Laws of 1951, section 6, chapter 235, Laws of 1953, section 1, chapter 42, Laws of 1973 1st ex. sess., section 2, chapter 24, Laws of 1977 ex. sess., section 3, chapter 370, Laws of 1977 ex. sess., section 1, chapter 25, Laws of 1979 and RCW 18.85.120; repealing section 11, chapter 222, Laws of 1951, section 11, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.130; repealing section 12, chapter 222, Laws of 1951, section 7, chapter 235, Laws of 1953, section 12, chapter 139, Laws of 1972 ex. sess., section 3, chapter 24, Laws of 1977 ex. sess., section 4, chapter 370, Laws of 1977 ex. sess., section 2, chapter 25, Laws of 1979 and RCW 18.85.140; repealing section 13, chapter 222, Laws of 1951, section 8, chapter 235, Laws of 1953, section 13, chapter 139, Laws of 1972 ex. sess., section 4, chapter 24, Laws of 1977 ex. sess., section 5, chapter 370, Laws of 1977 ex. sess., section 3, chapter 25, Laws of 1979 and RCW 18.85.150; repealing section 14, chapter 139, Laws of 1972 ex. sess., section 6, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.155; repealing section 21, chapter 222, Laws of 1951, section 9, chapter 235, Laws of 1953, section 15, chapter 139, Laws of 1972 ex. sess., section 7, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.161; repealing section 22, chapter 222, Laws of 1951 and RCW 18.85.163; repealing section 10, chapter 252, Laws of 1941, section 2, chapter 111, Laws of 1945, section 14, chapter 222, Laws of 1951, section 16, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.170; repealing section 15, chapter 222, Laws of 1951, section 41, chapter 52, Laws of 1957 and RCW 18.85.180; repealing section 42, chapter 52, Laws of 1957, section 17, chapter 139, Laws of 1972 ex. sess., section 5, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.190; repealing section 43, chapter 52, Laws of 1957, section 17, chapter 266, Laws of 1971 ex. sess. and RCW 18.85.200; repealing section 27, chapter 252, Laws of 1941, section 8, chapter 203, Laws of 1947, section 10, chapter 235, Laws of 1953, section 18, chapter 139,

Laws of 1972 ex. sess. and RCW 18.85.210; repealing section 8, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.215; repealing section 7, chapter 252, Laws of 1941, section 11, chapter 235, Laws of 1953, section 1, chapter 22, Laws of 1967 and RCW 18.85.220; repealing section 19, chapter 252, Laws of 1941, section 5, chapter 118, Laws of 1943, section 8, chapter 111, Laws of 1945, section 5, chapter 203, Laws of 1947, section 16, chapter 222, Laws of 1951, section 12, chapter 235, Laws of 1953, section 3, chapter 22, Laws of 1967, section 19, chapter 139, Laws of 1972 ex. sess., section 1, chapter 204, Laws of 1977 ex. sess., section 1, chapter 261, Laws of 1977 ex. sess., section 4, chapter 25, Laws of 1979 and RCW 18.85.230; repealing section 45, chapter 52, Laws of 1957 and RCW 18.85.240; repealing section 23, chapter 222, Laws of 1951 and RCW 18.85.251; repealing section 24, chapter 222, Laws of 1951 and RCW 18.85.261; repealing section 25, chapter 222, Laws of 1951, section 20, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.271; repealing section 26, chapter 222, Laws of 1951 and RCW 18.85.281; repealing section 17, chapter 222, Laws of 1951, section 46, chapter 52, Laws of 1957, section 62, chapter 81, Laws of 1971, section 21, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.290; repealing section 17, chapter 252, Laws of 1941, section 3, chapter 118, Laws of 1943, section 18, chapter 222, Laws of 1951 and RCW 18.85.300; repealing section 19, chapter 222, Laws of 1951, section 13, chapter 235, Laws of 1953, section 44, chapter 52, Laws of 1957 and RCW 18.85.310; repealing section 26, chapter 252, Laws of 1941, section 7, chapter 118, Laws of 1943, section 7, chapter 203, Laws of 1947, section 14, chapter 235, Laws of 1953 and RCW 18.85.320; repealing section 24, chapter 252, Laws of 1941, section 6, chapter 118, Laws of 1943, section 15, chapter 235, Laws of 1953 and RCW 18.85.330; repealing section 23, chapter 252, Laws of 1941, section 20, chapter 222, Laws of 1951 and RCW 18.85.340; repealing section 2, chapter 261, Laws of 1977 ex. sess. and RCW 18.85.343; repealing section 9, chapter 252, Laws of 1941 and RCW 18.85.345; repealing section 16, chapter 235, Laws of 1953, section 48, chapter 52, Laws of 1957, section 2, chapter 22, Laws of 1967 and RCW 18.85.350; repealing section 49, chapter 52, Laws of 1957 and RCW 18.85.360; repealing section 2, chapter 78, Laws of 1969 and RCW 18.85.400; repealing section 6, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.450; repealing section 7, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.460; repealing section 8, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.470; repealing section 9, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.480; repealing section 28, chapter 252, Laws of 1941 and RCW 18.85.900; repealing section 27, chapter 222, Laws of 1951 and RCW 18.85.910; repealing section 22, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.920; prescribing penalties; making an appropriation; and providing an effective date."

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Substitute Senate Bill No. 2316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senators Peterson, von Reichbauer and Talley demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2316.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2316 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley,

Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senator Pullen—1.

Absent or not voting: Senator Conner—1.

Excused: Senators Gould, Henry, Keefe, Matson, Walgren—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

At 11:15 a.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 11:45 a.m.

### MOTIONS

On motion of Senator Marsh, Substitute House Bill No. 78 will be considered following Substitute House Bill No. 99.

On motion of Senator Bluechel, House Bill No. 191 was ordered held on the second reading calendar for Monday April 9, 1979.

On motion of Senator Marsh, the Senate commenced consideration of Engrossed Substitute House Bill No. 295.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 295, by Committee on State Government (originally sponsored by Representatives Polk, Owen and Dawson):

Authorizing National Guard assistance scholarships.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 295, authorizing National Guard assistance scholarships (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 after "enrolled in" strike "an accredited nonsectarian" and insert "any"

On page 1, line 8, after "education" strike "in this state," and insert "as defined in RCW 28B.10.802(1)."

On page 1, beginning on line 8 after "in any" strike "accredited nonsectarian" and insert "such"

On page 2, line 15, after "general shall" strike "develop and administer" and insert "be solely responsible for the development and administration of"

Signed by: Senators Goltz, Chairman; Guess, Scott, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Goltz, the committee amendments were adopted.

On motion of Senator Goltz, the rules were suspended, Engrossed Substitute House Bill No. 295, 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. 295, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn—42.

Absent or not voting: Senators Guess, Woody—2.

Excused: Senators Gould, Henry, Keefe, Matson, Walgren—5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 295, as amended by the Senate, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of House Bill No. 330.

## SECOND READING

HOUSE BILL NO. 330, by Representatives Schmitten, Vrooman, Sanders and Addison:

Making unlawful the obtaining of game licenses by fraud.

## REPORT OF STANDING COMMITTEE

February 20, 1979.

HOUSE BILL NO. 330, making unlawful the obtaining of game licenses by fraud (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13, after "document" and before "; or" insert ": PROVIDED, That a person may purchase a license, permit, tag or other document that is not authorized by the same section of Title 77 RCW as the revoked document".

Signed by: Senators Peterson, Chairman; Conner, Vice Chairman; Lee, Newschwander, Odegaard, Quigg, Rasmussen, Vognild.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendment was adopted.

On motion of Senator Peterson, the rules were suspended, House Bill No. 330, 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. 330, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn—42.

Absent or not voting: Senators Guess, Woody—2.

Excused: Senators Gould, Henry, Keefe, Matson, Walgren—5.

HOUSE BILL NO. 330, as amended by the Senate, having received the constitutional majority, was declared passed. 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, Senator Guess was excused.

#### SECOND READING

HOUSE BILL NO. 691, by Representatives Patterson, Amen, Grimm and Erickson:

Authorizing exclusion of certain WSU extension service employees from state employees' insurance and health care plan.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, House Bill No. 691 was advanced to third reading, the second 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. 691 and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Absent or not voting: Senator Fleming—1.

Excused: Senators Gould, Guess, Henry, Keefe, Matson, Walgren—6.

HOUSE BILL NO. 691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 624.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 624, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Adams, Whiteside, Tupper, Brekke, Scott, Granlund and Winsley) (by Department of Social and Health Services request):

Regulating certain controlled substances.

#### REPORT OF STANDING COMMITTEE

February 27, 1979.

SUBSTITUTE HOUSE BILL NO. 624, regulating certain controlled substances (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 6, after "physicians" insert ", licensed pursuant to chapter 18.71 RCW,"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 624, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 624, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Gould, Guess, Henry, Keefe, Matson, Walgren—6.

SUBSTITUTE HOUSE BILL NO. 624, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

HOUSE BILL NO. 191, by Representatives Heck, Chandler, Whiteside, Galloway and Tupper:

Allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds.

### REPORT OF STANDING COMMITTEE

March 1, 1979.

HOUSE BILL NO. 191, allowing costs incurred relating to sale and issuance of school district bonds to be deducted from bond proceeds (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 2, following line 6, add new sections to read as follows:

"NEW SECTION. Sec. 2. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A-47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from ~~((three))~~ two, and then the result of the foregoing shall be divided by ~~((three))~~ two plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\begin{array}{rcc} \text{District adjusted} & & \text{Total state ad-} \\ \text{valuation per full} & & \text{+justed valuation} \\ \text{time equivalent} & & \text{per full time} \\ \text{pupil} & & \text{equivalent pupil} \\ \text{((3))2} - & & \\ \text{Computed State} & = & \\ \text{Ratio} & & \text{State} \\ & & \text{Assist-} \\ & & \text{ance} \\ \text{District adjusted} & & \text{Total state ad-} \\ \text{valuation per full} & & \text{+justed valuation} \\ \text{time equivalent} & & \text{per full time} \\ \text{pupil} & & \text{equivalent pupil} \\ \text{((3))2} + & & \\ \text{((3))2} - & & \end{array} = \text{---}\%$$

**PROVIDED**, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district; PROVIDED FURTHER, That the percentage of state assistance to any such school district shall be based upon the formula in this subsection in effect at such time a district's bond issue for any such specific project was approved by the voters.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: **PROVIDED**, That need therefor has been established to the satisfaction of the state board of education: **PROVIDED FURTHER**, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

**NEW SECTION.** Sec. 3. 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 line 3 of the title after "28A.51.070" and before the period insert "amending section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 98, Laws of 1975 1st ex. sess. and RCW 28A.47.803; and creating a new section"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendment was adopted.

On motion of Senator McDermott, the committee amendment to the title was adopted.

On motion of Senator McDermott, the rules were suspended, House Bill No. 191, 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. 191, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—43.

Excused: Senators Gould, Guess, Henry, Keefe, Matson, Walgren—6.

HOUSE BILL NO. 191, as amended by the Senate, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of House Bill No. 759.

### SECOND READING

HOUSE BILL NO. 759, by Representatives Valle, Whiteside and Galloway: Permitting job recruitment expenditures by libraries.

### MOTIONS

On motion of Senator Wilson, the rules were suspended, House Bill No. 759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Donohue, House Bill No. 759 was ordered held on the third reading calendar for Monday, April 9, 1979.

### SECOND READING

HOUSE BILL NO. 164, by Representatives Wilson, Martinis and Burns (by Department of Licensing request):

Making technical corrections in motor vehicle licensing and registration laws.

## REPORT OF STANDING COMMITTEE

February 27, 1979.

HOUSE BILL NO. 164, making technical corrections in motor vehicle licensing and registration laws (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 46.12.080, chapter 12, Laws of 1961 and RCW 46.12.080 are each amended to read as follows:

Any person holding the certificate of license registration for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the ((director)) department, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar, and a statement of the disposition ((which was made)) of the former motor. The possession by any person of any such certificates for ((a)) such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.

Sec. 2. Section 46.12.170, chapter 12, Laws of 1961 as last amended by section 13, chapter 25, Laws of 1975 and RCW 46.12.170 are each amended to read as follows:

If, after a certificate of ownership is issued, a security ((agreement)) interest is ((placed)) granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, ((signed by the registered owner and the secured party;)) to which shall be attached ((the certificate of license registration and)) the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form provided by the department and shall be accompanied by a fee of one dollar. The department, if satisfied that there should be a reissue of the certificate((s)), shall note such change upon the vehicle records and issue ((to the registered owner a new certificate of license registration and)) to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the ((debtor)) department within ten days after proper demand, that secured party shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

Sec. 3. Section 46.16.260, chapter 12, Laws of 1961 as last amended by section 11, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.260 are each amended to read as follows:

A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the director. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration and/or maximum gross weight license as herein provided. Any person in charge of such vehicle shall, upon demand of any of

the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration and/or maximum gross weight license. This section does not apply to a vehicle for which annual renewal of its license number plates is not required and which is marked in accordance with the provisions of RCW 46.08.065.

Sec. 4. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1977 ex. sess. and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of (~~(thirty-five))~~ forty feet: PROVIDED, That an auto stage or school bus shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet: PROVIDED FURTHER, That any such school bus constructed prior to April 1, 1977, shall be equipped with three axles: PROVIDED FURTHER, That any school bus constructed on or after April 1, 1977, and in excess of thirty-six feet six inches shall be equipped with three axles: PROVIDED FURTHER, That the route of any auto stage in excess of thirty-five feet or school bus in excess of thirty-six feet six inches upon or across the public highways shall be limited as determined by the (~~(state highway commission))~~ department of transportation for state highways, or by the local legislative authority for other public roads.

It is unlawful for any person to operate on the highways of this state any combination of vehicles which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

Sec. 5. Section 2, chapter 137, Laws of 1965 as last amended by section 16, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip. . . . .	\$ 5.00
Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days. . . . .	\$ 20.00

Continuous operations of overlegal loads having over-length only for a period not to exceed thirty days . . . . .	\$ 10.00
Continuous operation of a combination of vehicles not to exceed seventy-five feet overall length which may contain a permanent structure vehicle not in excess of forty-seven feet for a period of one year . . . . .	\$ 60.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight for a period not to exceed thirty days . . . . .	\$ 50.00
Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width for a period of one year . . . . .	\$150.00
<u>Continuous operation of vehicles having width not to exceed eight feet six inches, subject to such rules governing their operation as may be adopted by the department of transportation, for a period of one year . . . . .</u>	<u>\$150.00</u>

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

(1) Farmers in the course of farming activities for any three-month period . . . . .	\$ 10.00
(2) Farmers in the course of farming activities for a period not to exceed one year . . . . .	\$ 25.00
(3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements for any three-month period . . . . .	\$ 25.00
(4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements for a period not to exceed one year . . . . .	\$100.00

#### Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095 or 46.44.047 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits.	Fee per mile on state highways
1- 5,999 pounds . . . . .	\$ .05
6,000-11,999 pounds . . . . .	\$ .10
12,000-17,999 pounds . . . . .	\$ .15
18,000-23,999 pounds . . . . .	\$ .25
24,000-29,999 pounds . . . . .	\$ .35
30,000-35,999 pounds . . . . .	\$ .45
36,000-41,999 pounds . . . . .	\$ .60
42,000-47,999 pounds . . . . .	\$ .75
48,000-53,999 pounds . . . . .	\$ .90
54,000-59,999 pounds . . . . .	\$ 1.05
60,000-65,999 pounds . . . . .	\$ 1.20
66,000-71,999 pounds . . . . .	\$ 1.45
72,000-77,999 pounds . . . . .	\$ 1.70
80,000 pounds or more . . . . .	\$ 2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) the fee for issuance of a duplicate permit shall be \$5.00, (3) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

**NEW SECTION.** Sec. 6. Section 46.12.090, chapter 12, Laws of 1961 and RCW 46.12.090 are each hereby repealed."

In line 7 of the title, after "46.12.260;" insert "amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1977 ex. sess. and RCW 46.44.030; amending section 2, chapter 137, Laws of 1965 as last amended by section 16, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.0941;"

Signed by: Senators Henry, Chairman; Bluechel, Conner, Gallagher, Guess, Lee, Peterson, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Hansen, the committee amendment was adopted.

On motion of Senator Hansen, the committee amendment to the title was adopted.

On motion of Senator Hansen, the rules were suspended, 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.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 164, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; excused, 6.

Voting yea: Senators Bausch, Benitz, Bluechel, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—39.

Voting nay: Senators Bottiger, Lysen, Moore, Talmadge—4.

Excused: Senators Gould, Guess, Henry, Keefe, Matson, Walgren—6.

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.

### MOTIONS

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 44.

On motion of Senator Jones, Senator Sellar was excused.

On motion of Senator Wilson, Senators Goltz and Shinpoch were excused.

### SECOND READING

HOUSE BILL NO. 44, by Representatives Fancher and Flanagan:

Increasing the fee that may be retained by persons issuing hunting and fishing licenses.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, House Bill No. 44 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 44 and the bill passed the Senate by the following vote: Yeas, 35; nays, 4; absent or not voting, 1; excused, 9.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gaspard, Hansen, Hayner, Jones, Lewis, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Van Hollebeke, Vognild, Wanamaker, Williams, Wilson, Wojahn, Woody—35.

Voting nay: Senators Conner, Gallagher, Lee, Lysen—4.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Goltz, Gould, Guess, Henry, Keefe, Marsh, Sellar, Shinpoch, Walgren—9.

HOUSE BILL NO. 44, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 48, by Representatives Amen, Kreidler, Flanagan and Smith (C) (by request of the House Committee on Agriculture of the 45th Legislature):

Extending certain exemptions for contracts by local governmental entities to include small irrigation districts.

The bill was read the second time by sections.

On motion of Senator Hansen, the rules were suspended, House Bill No. 48 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 48, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—40.

Absent or not voting: Senator Williams—1.

Excused: Senators Gould, Guess, Henry, Keefe, Matson, Sellar, Shinpoch, Walgren—8.

HOUSE BILL NO. 48, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:30 p.m., on motion of Senator Marsh, 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 Marsh, the Senate commenced consideration of Substitute House Bill No. 51.

On motion of Senator Jones, Senators North and Scott were excused.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 51**, by Committee on Judiciary (originally sponsored by Representatives Keller and Knowles) (by House committee on Judiciary of the 45th Legislature request):

Requiring statements on convicted persons for the parole board.

The bill was read the second time by sections.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 51 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTIONS

On motion of Senator Van Hollebeke, the rules were suspended and Substitute House Bill No. 51 was returned to second reading.

Senator Van Hollebeke moved adoption of the following amendment:

On page 1, after line 6, insert the following:

"Section 1. Section 9, chapter 340, Laws of 1955 as last amended by section 8, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.003 are each amended to read as follows:

The board of prison terms and paroles shall consist of a chairman and (~~six~~) eight other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his successor is appointed and qualified: PROVIDED, That the two additional members to be appointed to the board shall serve initial terms ending April 15, (~~(1972 and 1974)~~) 1983 and 1985, respectively. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board of prison terms and paroles and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board of prison terms and paroles shall each severally receive salaries, payable in monthly installments, as may be fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition thereto, travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

Sec. 2. Section 3, chapter 32, Laws of 1959 as amended by section 1, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.007 are each amended to read as follows:

The board of prison terms and paroles may meet and transact business in panels. Each board panel shall consist of at least two members of the board. In all matters concerning the internal affairs of the board and policy making decisions, a majority of the full board must concur in such matters. The chairman of the board with the consent of a majority of the board may designate any two members to exercise all the powers and duties of the board in connection with any hearing before the board. The two members so designated shall determine minimum terms and release dates within the limitations of RCW 9.95.040 and the guidelines adopted under RCW 9.95.040. Any minimum term or release date falling outside the guidelines shall be exceptions to the guidelines and shall be reviewed and ratified by a majority vote of the full board to be effective. If the two members so designated cannot unanimously agree as to the disposition of the hearing assigned to them, such hearing shall not be reheard by the full board. All actions of the full board shall be by concurrence of a majority of the board members.

Sec. 3. Section 5, chapter 133, Laws of 1955 as last amended by section 2, chapter 63, Laws of 1975-'76 2nd ex. sess. and RCW 9.95.040 are each amended to read as follows:

Within six months after the admission of a convicted person to the penitentiary, reformatory, or such other state penal institution as may hereafter be established, the board of prison terms and paroles shall fix the duration of his confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which he was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

The board shall adopt guidelines by October 1, 1979, for fixing the minimum terms of confinement and release dates.

The following limitations are placed on the board of prison terms and paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence, to wit:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of the reformatory, penitentiary or such other penal institution as may hereafter be established, has been convicted of murder in the first

or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired."

Renumber the remaining sections consecutively.

### MOTION

On motion of Senator Pullen, Substitute House Bill No. 51, together with the pending amendment by Senator Van Hollebeke, was ordered held on the second reading calendar for Monday, April 9, 1979.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57, by Committee on Local Government (originally sponsored by Representatives Charnley and Rohrbach) (by House Committee on Local Government of 45th Legislature request):

Providing a common date for assumption of office by local government elected officials.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57, providing a common date for assumption of office by local government elected officials (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

On page 20, beginning on line 35, strike "~~((commissioners))~~ legislative authority" and insert "commissioners"

On page 21, beginning on line 32, strike "board of county commissioners" and insert "~~((board of))~~ county ~~((commissioners))~~ legislative authority"

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Henry, Lewis, Marsh, Peterson, Pullen.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were considered and adopted simultaneously.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute House Bill No. 57, 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. 57, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Gould, Guess, Henry, Keefe, Matson, North, Scott, Walgren—8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 57, as amended by the Senate, having received the constitutional majority, 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. 77, by Committee on Local Government (originally sponsored by Representatives Charnley, Keller and Garrett) (by House Committee on Local Government of 45th Legislature request):

Providing for the dissolution of inactive special purpose districts.

### MOTIONS

On motion of Senator Wilson, Senator Williams was excused.

There being no objection, on motion of Senator Quigg, an amendment to page 9 adding a new section on the desk of the Secretary of the Senate was withdrawn.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 77 was advanced to third reading, the second 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. 77, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Wilson, Wojahn, Woody—41.

Excused: Senators Gould, Guess, Keefe, Matson, North, Scott, Walgren, Williams—8.

SUBSTITUTE HOUSE BILL NO. 77, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Jones, Senator Benitz was excused.

On motion of Senator Marsh, Substitute House Bill No. 97 was ordered held following Engrossed House Bill No. 113.

On motion of Senator Marsh, Engrossed House Bill No. 113 will be considered following House Bill No. 114.

On motion of Senator Wilson, Senator von Reichbauer was excused.

### SECOND READING

HOUSE BILL NO. 114, by Representatives Taller, Pruitt, Schmitten and Zimmerman:

Making persons handicapped by lung disease eligible to receive a handicapped driver's card.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 114 was advanced to third reading, the second 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. 114, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Benitz, Gould, Guess, Keefe, Matson, North, Scott, Walgren—8.

HOUSE BILL NO. 114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 113, by Representatives Heck, Ehlers, Taller and Zimmerman:

Modifying procurement procedures for state vocational rehabilitation programs. The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 113 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 113, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—41.

Excused: Senators Benitz, Gould, Guess, Keefe, Matson, North, Scott, Walgren—8.

ENGROSSED HOUSE BILL NO. 113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 97, by Committee on Transportation (originally sponsored by Representatives Newhouse, Van Dyken, Fuller, Flanagan, C. P. Smith and Clayton):

Exempting vehicles hauling farm products from regulation under certain circumstances.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Substitute House Bill No. 97 was advanced to third reading, the second 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. 97, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Benitz, Gould, Keefe, Matson, North, Scott, Walgren—7.

SUBSTITUTE HOUSE BILL NO. 97, having received the constitutional majority, 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. 188, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Schmitt, Vrooman, Mitchell and Wilson):

Requiring selective removal of snags.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Donohue: "Senator, I have had some inquiries from my area, as relates to DNR land that has been logged, by a lot of people who would like to go in and take some of the residue, some of the limbs and those things that are there, for firewood. As you well know, on this energy thing.

"Is there anything in the bill that would allow more flexibility as it relates to rules and regs by the department, or if you want to create that, is it a good way to go and talk to the department and then have them be a little more liberal with their interpretation of the rules they have?"

Senator Peterson: "To my knowledge, there is nothing in the bill that increases that flexibility. They have that discretion under rules and regs right now and in most cases, to my knowledge, they are doing it.

"It would, however, permit them to selectively designate what they would cut down. In other words, if they logged off a forty acre tract and left six snags standing in that tract, it would certainly prevent a woodcutter from coming in there and utilizing that part of the wood, but as far as the rest of the slash, it would not have any effect."

Senator Donohue: "I was just wondering if this would be a good bill for an amendment to help that situation, because of my understanding, from a person that called me a couple of days ago said that the representatives of the department in that area stated that he could go in with his chain saw and cut up firewood after they had burned the pile of wood, and I wondered if this bill would help that situation. Evidently your answer is no."

Senator Peterson: "Rather than holding the bill over, I would rather address that in another manner. I have not been aware of any such problem as this where DNR has prohibited people from going in. If there is that type of a problem, certainly I do not think that the commissioner would be aware of it. It must be a local

Senator Donohue: "Maybe you and I could go talk to him."

Senator Peterson: "I think we should."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 188, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Benitz, Gould, Keefe, Matson, North, Scott, Walgren—7.

SUBSTITUTE HOUSE BILL NO. 188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 201.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 201, by Committee on Higher Education (originally sponsored by Representatives D. Nelson, Erickson, Burns and Barnes):

Allowing applications for change in classification as resident student for college fee purposes to be made up to thirtieth day of quarter or semester.

The bill was read the second time by sections.

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 201 was advanced to third reading, the second 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. 201, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Benitz, Gould, Keefe, Matson, North, Scott, Walgren—7.

SUBSTITUTE HOUSE BILL NO. 201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 219, by Committee on Social and Health Services (originally sponsored by Representative Haley):

Eliminating basic science examination requirement for physicians, surgeons, and osteopaths.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

**SUBSTITUTE HOUSE BILL NO. 219**, eliminating basic science examination requirement for physicians, surgeons, and osteopaths (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass with the following amendments:

Strike everything after the enacting clause and insert:

**"NEW SECTION.** Section 1. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085;
- (2) Section 4, chapter 227, Laws of 1971 ex. sess. and RCW 18.71.075;
- (3) Section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005;
- (4) Section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010;
- (5) Section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015;
- (6) Section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020;
- (7) Section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025;
- (8) Section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035;
- (9) Section 2, chapter 227, Laws of 1971 ex. sess., section 23, chapter 77, Laws of 1973 and RCW 43.74.037;
- (10) Section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040;
- (11) Section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050;
- (12) Section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060;
- (13) Section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065;
- (14) Section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075;
- (15) Section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080;
- (16) Section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085;
- (17) Section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; and
- (18) Section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900."

In the title, page 1, line 1, strike all after "sciences;" and insert "repealing section 3, chapter 227, Laws of 1971 ex. sess. and RCW 18.57.085; repealing section 4, chapter 227, Laws of 1971 ex. sess. and RCW 18.71.075; repealing section 43.74.005, chapter 8, Laws of 1965 and RCW 43.74.005; repealing section 43.74.010, chapter 8, Laws of 1965, section 22, chapter 77, Laws of 1973 and RCW 43.74.010; repealing section 43.74.015, chapter 8, Laws of 1965, section 6, chapter 188, Laws of 1967, section 123, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.74.015; repealing section 43.74.020, chapter 8, Laws of 1965 and RCW 43.74.020; repealing section 43.74.025, chapter 8, Laws of 1965 and RCW 43.74.025; repealing section 43.74.035, chapter 8, Laws of 1965 and RCW 43.74.035; repealing section 2, chapter 227, Laws of 1971 ex. sess., section 23, chapter 77, Laws of 1973 and RCW 43.74.037; repealing section 43.74.040, chapter 8, Laws of 1965, section 24, chapter 77, Laws of 1973 and RCW 43.74.040; repealing section 43.74.050, chapter 8, Laws of 1965 and RCW 43.74.050; repealing section 43.74.060, chapter 8, Laws of 1965 and RCW 43.74.060; repealing section 43.74.065, chapter 8, Laws of 1965 and RCW 43.74.065; repealing section 43.74.075, chapter 8, Laws of 1965 and RCW 43.74.075; repealing section 43.74.080, chapter 8, Laws of 1965, section 25, chapter 77, Laws of 1973 and RCW 43.74.080; repealing section 1, chapter 227, Laws of 1971 ex. sess., section 26, chapter 77, Laws of 1973 and RCW 43.74.085; repealing section 43.74.090, chapter 8, Laws of 1965 and RCW 43.74.090; and repealing section 43.74.900, chapter 8, Laws of 1965 and RCW 43.74.900."

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 219, 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. 219, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Benitz, Gould, Keefe, Matson, North, Scott, Walgren—7.

SUBSTITUTE HOUSE BILL NO. 219, as amended by the Senate, having received the constitutional majority, 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. 262, by Committee on Social and Health Services (originally sponsored by Representative Adams) (by Department of Social and Health Services request):

Modifying the reporting of vital statistics.

### REPORT OF STANDING COMMITTEE

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 262, modifying the reporting of vital statistics (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 12, after "forms of" insert "birth,"

On page 2, line 16, after "child" and before the period, insert "or its legitimacy"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 2, line 12 was not adopted.

On motion of Senator Day, the committee amendment to page 2, line 16 was adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 262, 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. 262, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Excused: Senators Benitz, Gould, Keefe, Matson, North, Scott, Walgren—7.

SUBSTITUTE HOUSE BILL NO. 262, as amended by the Senate, having received the constitutional majority, 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. 280, by Committee on Commerce (originally sponsored by Representatives Gallagher, Brown, Tilly and May):

Prohibiting advertisement of unlicensed contractors.

The bill was read the second time by sections.

On motion of Senator Morrison, the rules were suspended, Substitute House Bill No. 280 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 Morrison, in this measure, it requires that the contractor have his current registration number on all of his advertising cards and so forth. These are annual registrations?"

Senator Morrison: "As I understand, they are annual registrations."

Senator Rasmussen: "And do they always get the same number?"

Senator Morrison: "Senator Van Hollebeke, can you help us on this?"

Senator Van Hollebeke: "It is my understanding that they get the same number from year to year."

Senator Rasmussen: "Are you sure it is the same number?"

Senator Morrison: "We will guarantee it is the same number, Senator Rasmussen."

## POINT OF INQUIRY

Senator Wilson: "Senator Morrison, I am inquiring into the effective date of this act with respect to the likelihood that many contractors have quite a stockpile of advertising literature, letterheads and so on on hand and are they going to have to pay for imprinting a registration number or have to throw all that stuff away and replace it, or will they be permitted to exhaust their normal inventory of printed material before being required to comply with this act?"

Senator Morrison: "Senator Wilson, that was not discussed with the committee. I presume that the normal implementation of this act would allow some time before the law would go into effect. I think that it would not be too difficult for them if this concept is right to provide a rubber stamp and mark the stationery or anything of that type until they have exhausted the supply. Otherwise, it is a boon for the printing industry and I would think you would be all for it."

Senator Wilson: "That is why my question might surprise you, but I wonder if you agree with the principle of what I am trying to say. Senator Morrison, if in

reply to a further question, we might make it a matter of legislative intent that contractors be permitted to exhaust their normal inventories of printed material before having to comply with the provisions of this act?"

Senator Morrison: "For the record, Senator Wilson, I think it is certainly advisable and I think would be the intent of the legislature that we allow a reasonable time for contractors to exhaust printed materials before this number would have to appear."

Senator Van Hollebeke: "Mr. President, members and Senator Wilson, I raised that concern when the bill was originally brought to us and we think it can be appropriately worked out. The rubber stamp idea was given and I think it ought to be legislative intent that they exhaust present supplies so that we do not provide an unworkable work load for printing shops around the state. It is a bill that was very much sought by both the contracting unions and, that is, the construction trade unions and also by the contractors."

#### MOTIONS

On motion of Senator Rasmussen, Substitute House Bill No. 280 was ordered held on the third reading calendar for Monday, April 9, 1979.

#### MOTIONS

On motion of Senator Marsh, the Senate returned to the first order of business.

On motion of Senator Marsh, all committee reports listed on the first and second supplemental standing committee report listings were ordered referred to the Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

April 4, 1979.

SUBSTITUTE HOUSE BILL NO. 22, permitting arrest for certain traffic offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

ENGROSSED HOUSE BILL NO. 41, providing for local fire protection contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Lee, Moore, North, Talley.

Passed to Committee on Rules for second reading.

April 5, 1979.

SUBSTITUTE HOUSE BILL NO. 80, modifying provisions relating to institutional industries (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1979.

SUBSTITUTE HOUSE BILL NO. 125, modifying provisions and procedures relating to enforcement of support of dependent children (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 4, 1979.

ENGROSSED HOUSE BILL NO. 207, providing procedures for determining reasonable attorney fees in eminent domain proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

HOUSE BILL NO. 209, authorizing discretionary review of administrative agency decisions by the court of appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Jones, Woody.

Passed to Committee on Rules for second reading.

April 5, 1979.

SUBSTITUTE HOUSE BILL NO. 306, making the candidates' and voters' pamphlets more informative (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Lewis, Marsh, Pullen.

Passed to Committee on Rules for second reading.

April 6, 1979.

SUBSTITUTE HOUSE BILL NO. 334, requiring land dedications by subdividers for parks (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

ENGROSSED HOUSE BILL NO. 338, extending the time period for marriage solemnization (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

ENGROSSED HOUSE BILL NO. 427, limiting the use of search warrants (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 5, 1979.

ENGROSSED HOUSE BILL NO. 433, updating certain powers of the Department of Ecology (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

April 6, 1979.

**SUBSTITUTE HOUSE BILL NO. 471**, repealing the existing law, and creating a new law on found personal property (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

**SUBSTITUTE HOUSE BILL NO. 498**, modifying terms of imprisonment for certain crimes (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

**HOUSE BILL NO. 514**, authorizing the governor to accept retrocession of real property by the United States (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

**ENGROSSED HOUSE BILL NO. 571**, modifying the criminal records privacy act (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

**HOUSE BILL NO. 638**, exempting seasonal recreational lots from the Mobile Home Landlord-Tenant Act (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

**ENGROSSED HOUSE BILL NO. 650**, establishing civil penalties for late or inaccurate employer reports under unemployment compensation (reported by Committee on Labor):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

April 5, 1979.

**ENGROSSED HOUSE BILL NO. 689**, requiring persons convicted of littering to pick up or remove the deposited litter (reported by Committee on Ecology):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen.

Passed to Committee on Rules for second reading.

April 4, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 748, granting immunity to insurance companies which provide information on possible arson fires to investigating agencies (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Hayner, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

HOUSE BILL NO. 919, removing record-keeping requirement for marine employee labor disputes (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

April 6, 1979.

HOUSE BILL NO. 923, modifying the terms of office, salary, and duties of the public employment relations commission (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Lysen, Chairman; Vognild, Vice Chairman; McDermott, Moore, Morrison.

Passed to Committee on Rules for second reading.

April 6, 1979.

SUBSTITUTE HOUSE BILL NO. 972, permitting cities to combine with fire protection districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Bluechel, Lee, Moore, North, Talley.

Passed to Committee on Rules for second reading.

April 6, 1979.

SUBSTITUTE HOUSE BILL NO. 1126, setting the commencement date for annual legislative sessions (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Lewis, Marsh, Peterson.

Passed to Committee on Rules for second reading.

April 5, 1979.

ENGROSSED HOUSE BILL NO. 1133, defining and regulating "continuing political funds" (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Lewis, Marsh, Pullen.

Passed to Committee on Rules for second reading.

April 6, 1979.

HOUSE BILL NO. 1221, regulating state agency lobbying (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Lewis, Marsh, Pullen.

Passed to Committee on Rules for second reading.

April 6, 1979.

HOUSE BILL NO. 1241, providing property tax exemption for property held for park purposes by nonprofit organizations (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1281, regulating snowmobiles (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bausch, Lewis, Quigg, Wanamaker, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 4, 1979.

SUBSTITUTE HOUSE BILL NO. 1347, permitting the exemption of certain mental health services to school children from changing of fees (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

#### MOTION

At 2:30 p.m., on motion of Senator Marsh, the Senate adjourned until 11:00 a.m., Monday, April 9, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**TWENTIETH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, April 9, 1979.

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, Keefe, Scott, Talley and Talmadge. On motion of Senator Wilson, Senators Fleming, Keefe, Talley and Talmadge were excused. On motion of Senator Jones, Senator Scott was excused.

The Color Guard, consisting of Pages Kelli Pretti and John Lofdahl, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"UNTO YOU WHO ART OUR GOD, WE COME IN PRAYER JUST NOW AT THE BEGINNING OF ANOTHER WEEK. AND IN DOING SO, WE ARE REMINDED THAT THIS IS NOT JUST ANOTHER WEEK, BUT ONE WHICH IS CALLED HOLY WEEK BY MANY. BUT HELP US TO CONSIDER EVERY WEEK, AND EVERY DAY, HOLY; MADE HOLY BY OUR KNOWLEDGE AND AWARENESS OF YOUR CONSTANT PRESENCE ALONGSIDE OF US. MAY OUR EVERY THOUGHT AND FEELING AND DECISION BE MADE HOLY AS WE BECOME CONSCIOUS OF YOUR CONSTANT ATTEMPTS TO WALK CLOSER TO US. MAY YOUR SPECIAL BLESSING REST UPON EACH OF THESE SENATORS EACH DAY OF THIS WEEK AS THEY THINK AND WORK TOGETHER HERE IN THIS CHAMBER, IN THE COMMITTEE MEETINGS, AND IN THEIR OFFICES. IN THE NAME OF CHRIST WE PRAY. AMEN."

**MOTION**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

April 9, 1979.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 103**, providing for underinsured motor vehicle insurance coverage (reported by Committee on Financial Institutions and Insurance):

**MAJORITY recommendation:** Do pass as amended.

Signed by: Senators Bausch, Chairman; Clarke, Day, Donohue, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

April 6, 1979.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 254**, modifying appeal procedures for public assistance grievances (reported by Committee on Social and Health Services):

**MAJORITY recommendation:** Do pass.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

April 6, 1979.

**SUBSTITUTE HOUSE BILL NO. 391**, requiring approval and announcement of prior agreement on damages in civil actions (reported by Judiciary Committee):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Woody.

Passed to Committee on Rules for second reading.

April 6, 1979.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 446**, conditioning certain water permits (reported by Committee on Agriculture):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Hansen, Chairman; Benitz, Day, Wanamaker.

Passed to Committee on Rules for second reading.

April 6, 1979.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 502**, providing for immunization of the children in this state (reported by Committee on Social and Health Services):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

April 6, 1979.

**SUBSTITUTE HOUSE BILL NO. 898**, revising laws relating to health officers (reported by Committee on Social and Health Services):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1979.

**SUBSTITUTE HOUSE BILL NO. 1045**, governing retirement coverage of CETA employees (reported by Committee on Ways and Means):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Gaspard, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

April 6, 1979.

**SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 6**, establishing a task force on children and families (reported by Committee on Social and Health Services):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Pullen, Quigg, Talmadge, Vognild.

Passed to Committee on Rules for second reading.

## MESSAGES FROM THE HOUSE

April 6, 1979.

Mr. President: The Speakers have signed:

**SUBSTITUTE SENATE BILL NO. 2140**,

**SENATE BILL NO. 2191**, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

VITO T. CHIECHI, Chief Clerk.

April 6, 1979

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 227, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 227, by Committee on Education (originally sponsored by Representatives Heck, Chandler, Sommers, Bauer, Ehlers, Bender, Scott and Charnley):

Changing limitations on amount of excess funds levied for school district maintenance and operations.

Referred to Committee on Ways and Means.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of Substitute Senate Bill No. 2273.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 2273, by Committee on Local Government (originally sponsored by Senators Talley, Sellar and Woody):

Modifying the provision for trust funds deposited with the clerk of the superior court.

### MOTIONS

On motion of Senator Walgren, the rules were suspended and Substitute Senate Bill No. 2273 was returned to second reading.

On motion of Senator Wilson, the following amendments were adopted.

On page 1, line 21, before "thousand dollars" strike "~~((two))~~ five" and insert "two"

On page 1, line 26, after "That" and before "percent", strike "~~((five))~~ ten" and insert "five"

On page 1, line 27, after "income" and before "shall" strike ", not to exceed fifty dollars,"

On page 2, line 9, after "and" and before "who" strike "any litigant"

On page 2, line 10, after "are" and before "thousand" strike "five" and insert "two"

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2273 was advanced to third reading, the second 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. 2273 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar,

Shinpoch, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Excused: Senators Fleming, Keefe, Talley, Talmadge, Williams—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2273, having received the 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 returned to the sixth order of business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 101.

### SECOND READING

ENGROSSED HOUSE BILL NO. 101, by Representative Sanders (by request of the House Committee on Judiciary of the 45th Legislature):

Clarifying laws on negligent driving and racing.

### REPORT OF STANDING COMMITTEE

March 2, 1979.

ENGROSSED HOUSE BILL NO. 101, clarifying laws on negligent driving and racing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"NEW SECTION. Section 1. It is the legislative intent in the adoption of this chapter in decriminalizing certain traffic offenses to promote the public safety and welfare on public highways and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions.

NEW SECTION. Sec. 2. Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(7) RCW 46.20.342 relating to driving with a suspended or revoked license;

(8) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(9) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(10) Chapter 46.29 RCW relating to financial responsibility;

(11) RCW 46.48.175 relating to the transportation of dangerous articles;

- (12) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (13) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (14) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (15) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (16) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- (17) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;
- (18) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (19) Section 5 of this 1979 act relating to failure to stop and give identification to an officer;
- (20) RCW 46.61.500 relating to reckless driving;
- (21) RCW 46.61.506 and 46.61.515 relating to persons under the influence of intoxicating liquor or drugs;
- (22) RCW 46.61.520 relating to negligent homicide by motor vehicle;
- (23) RCW 46.61.525 relating to negligent driving;
- (24) RCW 46.61.530 relating to racing of vehicles on highways;
- (25) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (26) RCW 46.64.020 relating to nonappearance after a written promise;
- (27) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (28) Chapter 46.65 RCW relating to habitual traffic offenders;
- (29) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (30) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (31) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (32) Chapter 46.83 RCW relating to driver's training schools.

**NEW SECTION.** Sec. 3. (1) A law enforcement officer has the authority to issue a notice of traffic infraction when the infraction is committed in the officer's presence or when the notice of traffic infraction is issued pursuant to RCW 46.64-.017, pertaining to investigation at the scene of a motor vehicle accident.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

**NEW SECTION.** Sec. 4. There is added to chapter 46.61 RCW a new section to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction.

**NEW SECTION.** Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

Any person who wilfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer or to comply with section 4(3) of this 1979 act, is guilty of a misdemeanor.

**NEW SECTION.** Sec. 6. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in section 2 of this 1979 act may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal or police court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal or police court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

**NEW SECTION.** Sec. 7. All judges and court commissioners adjudicating traffic infractions shall complete such training requirements as are promulgated by the supreme court.

**NEW SECTION.** Sec. 8. (1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within seven days or the person's driver's license will not be renewed by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the refusal of the department to renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

**NEW SECTION.** Sec. 9. (1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within seven days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court

specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3)(a) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(b) If any person who has requested a hearing to contest the determination that an infraction has been committed fails to appear without good cause at the time and place set for the hearing the department may not renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

(4)(a) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(b) If any person who has requested a hearing to explain mitigating circumstances fails to appear without good cause at the time and place set for the hearing, the department may not renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

(5) If any person issued a notice of traffic infraction fails to respond as provided in this section the department may not renew that person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

**NEW SECTION.** Sec. 10. (1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter.

**NEW SECTION.** Sec. 11. (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be in the form of a trial de novo in superior court. The person has fourteen calendar days from the date of the court's determination in which to give notice of an appeal. The decision of the

superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

**NEW SECTION.** Sec. 12. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order.

**NEW SECTION.** Sec. 13. (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (2) of this section has been paid.

**NEW SECTION.** Sec. 14. (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Sec. 15. Section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090 are each amended to read as follows:

A violations bureau may be established by any city or district court having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the court having jurisdiction of traffic cases, specific offenses under city ordinance, county resolution, or state law may be processed by such bureau. Such bureau may be authorized to receive the posting of bail for such specified offenses, and, as authorized by the court order, to accept forfeiture of bail and payment of monetary penalties. The court order shall specify the amount of bail to be posted and shall also specify the circumstances or conditions which will require an appearance before the court. Such bureau, upon accepting the prescribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing

him of the legal consequences of bail forfeiture. The bureau shall transfer daily to the clerk of the proper department of the court all bail posted for offenses where forfeiture is not authorized by the court order, as well as copies of all receipts. All forfeitures or penalties paid to a violations bureau for violations of municipal ordinances shall be placed in the city general fund or such other fund as may be prescribed by ordinance. All forfeitures or penalties paid to a violations bureau for violations of state laws or county resolutions shall be remitted at least monthly to the county treasurer for deposit in the current expense fund. Employees of violations bureaus of a city shall be city employees under any applicable municipal civil service system.

Sec. 16. Section 32, chapter 299, Laws of 1961 and RCW 3.42.020 are each amended to read as follows:

Each justice court commissioner shall have such power, authority, and jurisdiction in criminal matters as the justices of the peace who appointed him possess and shall prescribe. Justice court commissioners shall not have power to hear and determine civil matters other than traffic infractions.

Sec. 17. Section 51, chapter 299, Laws of 1961 and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Sec. 18. Section 52, chapter 299, Laws of 1961 and RCW 3.50.030 are each amended to read as follows:

Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses under the city or town ordinance which may be processed by the violations bureau. A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail and payment of penalties. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any criminal traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the city or town or laws of the state of Washington. Any employees of an existing violations bureau of any city shall continue as a city employee.

Sec. 19. Section 77, chapter 299, Laws of 1961 and RCW 3.50.280 are each amended to read as follows:

In all trials for offenses in municipal court, a jury trial shall be allowed only in criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor. No change of venue shall be taken from the municipal court, and the defendant shall not be entitled to file an affidavit of prejudice against any judge of the municipal court.

Sec. 20. Section 112, chapter 299, Laws of 1961 and RCW 3.66.010 are each amended to read as follows:

The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the justice court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the justice court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such justice court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The justice court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW: PROVIDED, That in the trial of actions brought for violating any city ordinance, a jury trial shall be allowed only for criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor; PROVIDED FURTHER, That no jury trial may be held in a proceeding involving a traffic infraction.

Sec. 21. Section 1, chapter 58, Laws of 1929 and RCW 12.36.010 are each amended to read as follows:

Any person considering himself aggrieved by the judgment or decision of a justice of the peace in a civil action may, in person or by his agent or attorney, appeal therefrom to the superior court of the county where the judgment was rendered or decision made: PROVIDED, There shall be no appeal allowed unless the amount in controversy, exclusive of costs, shall exceed the sum of twenty dollars; PROVIDED FURTHER, That an appeal from the court's determination or order on a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 22. Section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565 are each amended to read as follows:

Any person violating a rule or regulation promulgated in conformity with the provisions of RCW 28B.10.560, shall be guilty of a misdemeanor, and the courts of justice of the peace in the county in which the offense is committed shall have jurisdiction over such offense: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 23. Section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal; PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

Sec. 24. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each reenacted and amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Sec. 25. Section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250 are each amended to read as follows:

The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace, and a judge thereof may sit in preliminary hearings as magistrate. Fines, penalties, and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

Sec. 26. Section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510 are each amended to read as follows:

In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines, penalties, and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

Sec. 27. Section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530 are each amended to read as follows:

All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal: PROVIDED, That an appeal from a court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten days after the judgment was pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his appeal and, within thirty days from the date of entry of judgment, shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten days after the transcript is filed, appellant shall note the case for trial. The case shall be

set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

Sec. 28. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440 are each amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipling houses, dram shops, saloons, bars, and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals

within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, wash-houses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(15) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(16) Markets: To establish and regulate markets and market places.

(17) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(18) City commons: To provide for and regulate the commons of the city.

(19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(20) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(21) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(22) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(23) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(24) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(25) House numbers: To provide for the numbering of houses.

(26) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(27) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(28) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(30) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or six months' imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

(31) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(32) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(33) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(34) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(35) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(36) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(37) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(38) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(39) Franchises: To permit the use of the streets for railroad or other public service purposes.

(40) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or

rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(41) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(43) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(44) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(45) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(47) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(48) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(49) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(50) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(51) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(52) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and

provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(53) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(55) To provide for the general welfare.

Sec. 29. Section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460 are each amended to read as follows:

The police judge so appointed shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance, and pronounce judgment in accordance therewith: PROVIDED, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine and imprisonment prescribed by ordinance. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

Sec. 30. Section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470 are each amended to read as follows:

All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: PROVIDED, That an appeal from the court's determination or order on a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act. In actions brought before such police judge to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance, and in all other civil actions, the manner of commencing the same, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, shall be as provided in the case of civil actions before justices of the peace.

Sec. 31. Section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530 are each amended to read as follows:

The police justice in addition to his powers as justice of the peace, if he is a justice of the peace shall have exclusive jurisdiction over all offenses defined by any ordinance of the town and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance with full power to forfeit bail, issue executions on bail bonds, and hear and determine all causes, civil or criminal, including traffic infractions, arising under any ordinance and pronounce judgment in accordance therewith: PROVIDED, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine or imprisonment prescribed by ordinance.

Sec. 32. Section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540 are each amended to read as follows:

In actions brought before the police justice to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance and in all other civil actions, the manner of commencing them, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment shall be as provided in the case of civil actions before justices of the peace.

In the trial of actions brought for violations of town ordinances no jury shall be allowed and no change of venue shall be allowed from the police judge.

All civil and criminal proceedings before a police justice and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 33. Section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040 are each amended to read as follows:

The police judge, in addition to powers he may have as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 34. Section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080 are each amended to read as follows:

In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines, penalties, and forfeitures paid to, such police judge shall belong to and be paid over by him, weekly, to the city.

Sec. 35. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office three copies of such codes and compilations ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 36. Section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68.080 are each amended to read as follows:

Any person violating any rules or regulations adopted by the board of county commissioners relating to parks, playgrounds, or other recreational facilities shall be guilty of a misdemeanor; PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 37. Section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69.180 are each amended to read as follows:

The violation of any of the rules or regulations of a park and recreation district adopted by its board for the preservation of order, control of traffic, protection of life or property, or for the regulation of the use of park property shall constitute a misdemeanor; PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 38. Section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43.30.310 are each amended to read as follows:

For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.04 RCW, issue, promulgate, adopt, and enforce rules and regulations pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule or regulation adopted under this section shall constitute a misdemeanor; PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

The commissioner of public lands and such of his employees as he may designate shall be vested with police powers when enforcing:

- (1) The rules and regulations of the department adopted under this section; or
- (2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

Sec. 39. Section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210 are each amended to read as follows:

(1) Costs of criminal justice training shall be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.

(2) In each instance of bail forfeiture or monetary penalty paid in lieu of a court appearance attendant to any violation of a law of this state or an ordinance of a city or county except an ordinance relating to vehicles unlawfully left or parked, an assessment which shall be in addition to such bail forfeited or penalty paid shall be collected and forwarded within thirty days of receipt of such assessment by the clerk of the court, or the county treasurer, to the state treasurer to be deposited in an account within the state general fund to be known as the criminal justice training account, hereby created, funds from which shall be appropriated by law to the Washington state criminal justice training commission as established by chapter 43.101 RCW. The amount of the assessment shall be as follows:

- (a) When forfeiture or penalty is ten dollars to nineteen dollars and ninety-nine cents, three dollars;
- (b) When forfeiture or penalty is twenty dollars to thirty-nine dollars and ninety-nine cents, five dollars;
- (c) When forfeiture or penalty is forty dollars to fifty-nine dollars and ninety-nine cents, seven dollars;

(d) When forfeiture or penalty is sixty dollars to ninety-nine dollars and ninety-nine cents, twelve dollars; and

(e) When forfeiture or penalty is one hundred dollars or more, fifteen dollars.

(3) When any deposit of bail is made for a violation to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in subsection (2) of this section.

(4) When bail is forfeited or a penalty paid, the assessment prescribed in this section shall be forwarded to the state treasurer pursuant to this section. If bail is returned, the assessment made thereon shall also be returned.

Sec. 40. Section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230 are each amended to read as follows:

(1) The department of (~~motor vehicles~~) licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle (~~shall~~) may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) (~~Any person shall be guilty of a misdemeanor who shall~~) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified by certified mail that such certificate, license, or permit has been canceled pursuant to this section.

Sec. 41. Section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170 are each amended to read as follows:

Any violation of a rule or regulation prescribed under RCW 46.08.150 (~~shall be punishable as~~) is a (misdemeanor) traffic infraction, and the courts of justices of the peace in Thurston county shall have jurisdiction over such offenses: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 42. Section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120 are each amended to read as follows:

(1) It (~~shall be unlawful~~) is a traffic infraction for any person to operate any nonhighway vehicle:

(~~(1) While under the influence of intoxicating liquor or a controlled substance;~~  
(~~2~~)) (a) In such a manner as to endanger the property of another;

~~((3))~~ (b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

~~((4))~~ (c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

~~((5))~~ (d) Without a spark arrester approved by the department of natural resources;

~~((6))~~ (e) Without an adequate, and operating; muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

~~((a))~~ (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

~~((b))~~ (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

~~((c))~~ (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

~~((7))~~ (f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

~~((8))~~ (g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

~~((9))~~ (h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and

~~((10))~~ (i) On any public lands in violation of rules and regulations of the agency administering such lands.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

Sec. 43. Section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190 are each amended to read as follows:

(1) Except as provided in RCW 46.09.120(2) and 46.09.130 as now or hereafter amended, ~~((any person violating))~~ violation of the provisions of this chapter ~~((shall be guilty of a misdemeanor and subject to a fine))~~ is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

Sec. 44. Section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090 are each amended to read as follows:

(1) It ~~((shall be unlawful))~~ is a traffic infraction for any person to operate any snowmobile:

~~((+))~~ (a) 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))~~ (b) In a manner so as to endanger the ~~((person or))~~ property of another.

~~((+))~~ (c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

~~((5))~~ (d) Without an adequate braking device which may be operated either by hand or foot.

~~((6))~~ (e) 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))~~ (f) 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))~~ (g) 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))~~ (h) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

Sec. 45. Section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.090(2) and 46.10.130, any ~~((person violating))~~ violation of the provisions of this chapter ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction: 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.

Sec. 46. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard, or dairy products from point of production to market or

warehouse, and of supplies to be used on his farm: PROVIDED, That fish and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard, or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

~~((Any person who operates))~~ Operation of such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction.

Sec. 47. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135 are each amended to read as follows:

Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for any registration quarter at one-fourth of the usual annual tonnage fee: PROVIDED, That the fee for the registration quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full registration month of the registration quarter that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage license prior to the expiration of the existing tonnage license. ~~((Any person who operates))~~ Operation of any such vehicle by any person upon the public highways after the expiration of the existing tonnage license, ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction, and in addition the person shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration quarter or registration quarters of the registration year already paid. If, within five days thereafter, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 48. Section 46.16.137, chapter 12, Laws of 1961 as last amended by section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137 are each amended to read as follows:

During the months of October, November, December, January, February, and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are

licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs, and a two or three axle dump truck, or two or three axle dump truck and dump trailer used in combination, and a tractor and dump semi-trailer used in combination, when such vehicles are licensed to the maximum gross weight provided by law, may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly tonnage license shall be effective for one entire registration month. The director or his authorized agent shall issue a license indicating that monthly tonnage fees have been paid, which tonnage license shall be carried in the vehicle throughout the registration month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such tonnage licenses. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof prior to the expiration of any such monthly period applies for, and pays the required fee for a license for an additional monthly period, a three-month period, or for the remainder of the registration year. ~~((Any person who operates))~~ Operation of any such vehicle by any person upon the public highways after the expiration of the existing tonnage license, ((shall be guilty of a misdemeanor)) is a traffic infraction, and in addition such person shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's tonnage license for operation thereof, less the fees for any period or periods of the registration year already paid. If, within five days thereafter, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 49. Section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138 are each amended to read as follows:

~~((Any person who operates))~~ Operation of a vehicle, licensed under the provisions of RCW 46.16.137, as now or hereafter amended, for the transportation of logs exclusively, by any person for the transportation of any cargo other than logs, ((shall be guilty of a misdemeanor)) is a traffic infraction, and in addition such person shall be ineligible for a period of two years from the date ((of conviction)) the finding is made for the purchase of a license under the provisions of RCW 46.16.137 as now or hereafter amended.

Sec. 50. Section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140 are each amended to read as follows:

It is a traffic infraction for any person ((who)) to operate((s)), or cause((s)), permit((s)), or suffer((s)) to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed ((shall be guilty of a misdemeanor)).

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight, and any ~~((such person who fails))~~ failure to secure such new license ((shall be guilty of a misdemeanor)) is a traffic infraction: PROVIDED, That this section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: PROVIDED FURTHER, That upon surrender of the license originally purchased the director shall allow proper credit for the gross

weight fee originally paid: PROVIDED FURTHER, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law.

Sec. 51. Section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145 are each amended to read as follows:

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first ~~((conviction))~~ offense, pay a ~~((fine))~~ penalty of not less than twenty-five dollars nor more than fifty dollars; upon a second ~~((conviction))~~ offense pay a ~~((fine))~~ penalty of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent ~~((conviction))~~ offense pay a ~~((fine))~~ penalty of not less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

Sec. 52. Section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.350, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his call letter license plate. Failure to do so ~~((will constitute a gross misdemeanor))~~ is a traffic infraction.

Sec. 53. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. 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. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal ~~((shall constitute a gross misdemeanor))~~ is a traffic infraction.

Sec. 54. Section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585 are each amended to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so (~~shall be a misdemeanor~~) is a traffic infraction.

Sec. 55. Section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595 are each amended to read as follows:

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates (~~shall constitute a misdemeanor~~) is a traffic infraction.

Sec. 56. Section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041 are each amended to read as follows:

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect his ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a (~~misdemeanor~~) traffic infraction for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Sec. 57. Section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171 are each amended to read as follows:

(1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions and findings that a traffic infraction has been committed received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the licensee's convictions (~~of such licensee~~), the findings that he has committed a traffic infraction, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

Sec. 58. Section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190 are each amended to read as follows:

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense.

Sec. 59. Section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215 are each amended to read as follows:

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security.

(3) The department shall, upon receiving a record of the commission of a traffic infraction in this state by a nonresident driver of a motor vehicle, forward a report of the traffic infraction to the motor vehicle administrator in the state where the person who committed the infraction resides. The report shall clearly identify the person found to have committed the infraction; describe the infraction, specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether the determination that an infraction was committed was contested or whether the individual failed to respond to the notice of infraction.

Sec. 60. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED,

That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: PROVIDED, ALSO, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, ((or)) a payment of a fine or penalty, ((or)) a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing ((or)), stopping, parking, and pedestrian offenses and may recommend the suspension of the driver's license of the person so convicted or found to have committed a traffic infraction.

(3) For the purposes of Title 46 RCW the term "conviction" shall mean a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(4) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to section 9(2) of this 1979 act is deemed equivalent to such a finding.

Sec. 61. Section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be

revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: PROVIDED, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of ((motor vehicles)) licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction which is a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected shall have the right to file a petition in the superior court of the county

wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Sec. 62. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308 as now or hereafter amended, and in all other revocation cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

Sec. 63. Section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department. Such referee or hearing board may be authorized by the director to make final determinations regarding the issuance, denial, or suspension, or revocation of a license.

Sec. 64. Section 2, chapter 27, Laws of 1969 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor; PROVIDED, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 65. Section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving, and; whether such vehicles were occupied at the time of the accident; and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department((:)); and reference to any findings that the person has committed a traffic infraction which have been reported to the department; and a record of any vehicles registered in the name of such person. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

Sec. 66. Section 28, chapter 169, Laws of 1963 and RCW 46.29.280 are each amended to read as follows:

Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction ((or a)), forfeiture of bail, or finding that a traffic infraction has been committed, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not

then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

Sec. 67. Section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300 are each amended to read as follows:

Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction ((~~or~~)), forfeiture of bail, or finding that a traffic infraction has been committed such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

Sec. 68. Section 60, chapter 169, Laws of 1963 and RCW 46.29.600 are each amended to read as follows:

(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction ((~~or~~)), forfeiture of bail, or finding that a traffic infraction has been committed which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

Sec. 69. Section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010 are each amended to read as follows:

The chief of the Washington state patrol is hereby empowered to constitute, erect, operate, and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written

notice to the director of ~~((motor vehicles))~~ licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker, or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it ~~((shall be a gross misdemeanor))~~ is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

It is a traffic infraction for any person ~~((who))~~ to refuse((s)) to have his motor vehicle examined, or, after having had it examined, to refuse((s)) to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or ~~((who))~~ to fraudulently obtain((s)) a certificate of approval, or ~~((who))~~ to refuse((s)) to place his motor vehicle in proper condition after having had the same examined, or ~~((who))~~ to, in any manner, fail~~((s))~~ to conform to the provisions of this chapter~~((; shall be guilty of a gross misdemeanor))~~.

It is a traffic infraction for any person ~~((who))~~ to perform((s)) false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle~~((; shall be guilty of a gross misdemeanor))~~.

Sec. 70. Section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32.050 are each amended to read as follows:

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

~~((Any person violating any))~~ Violation of the provisions of this section ~~((shall be guilty of a gross misdemeanor))~~ is a traffic infraction.

Sec. 71. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a ~~((misdemeanor))~~ traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the state commission on equipment, or which is equipped in any manner in violation of this chapter or the commission's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the commission's regulations.

(2) Nothing contained in this chapter or the commission's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the commission's regulations.

(3) The provisions of the chapter and the commission's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a ~~((misdemeanor))~~ traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the commission on equipment as prescribed in RCW 46.37.005 unless it has been approved by the state commission on equipment.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 72. Section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37.188 are each amended to read as follows:

Every violation of RCW 46.37.184, 46.37.185, 46.37.186, or 46.37.187 is a ~~((misdemeanor))~~ traffic infraction.

Sec. 73. Section 1, chapter 77, Laws of 1971 and RCW 46.37.423 are each amended to read as follows:

No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

It is a traffic infraction for any person, firm, or corporation ~~((who shall))~~ to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section ~~((shall be guilty of a misdemeanor))~~ unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

Sec. 74. Section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424 are each amended to read as follows:

No person, firm, or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 569—regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

It is a traffic infraction for any person, firm, or corporation ~~((who shall))~~ to sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section ~~((shall be guilty of a misdemeanor))~~ unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that

he is not purchasing or regrooving such tires for use on the public highways of this state.

Sec. 75. Section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

- (1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or
- (2) Any bump, bulge, or knot, affecting the tire structure; or
- (3) Any break repaired with a boot; or
- (4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or
- (5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" ( (; ) ) or "for racing purposes only"; or
- (6) Such condition as may be reasonably demonstrated to render it unsafe; or
- (7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person (~~(operating)~~) to operate a vehicle on the public highways of this state, or (~~(selling)~~) to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder (~~(shall be guilty of a misdemeanor)~~): PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 76. Section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.047 are each amended to read as follows:

A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total

wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the (~~(state highway commission)~~) department of transportation valid only on state primary or secondary highways authorized by the (~~(state highway commission)~~) department and under such rules, regulations, terms, and conditions prescribed by the (~~(state highway commission)~~) department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third (~~(conviction)~~) offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the (~~(highway commission)~~) department issues a duplicate permit to replace a lost or destroyed permit and where the (~~(highway commission)~~) department transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the (~~(state highway)~~) department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the (~~(board of)~~) county (~~(commissioners)~~) legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or (~~(board of)~~) the county (~~(commissioners)~~) legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the (~~(state highway commission)~~) department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. 77. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105 are each amended to read as follows:

(1) (~~(Any person violating)~~) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or (~~(who fails)~~)

failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or ((misrepresents)) misrepresentation of the size or weight of any load or ((does not)) failure to follow the requirements and conditions of a permit issued hereunder ((shall be guilty of a misdemeanor)) is a traffic infraction, and upon the first ((conviction)) finding thereof shall be ((fined)) assessed a basic ((fine)) penalty of not less than fifty dollars; and upon second ((conviction)) finding thereof shall be ((fined)) assessed a basic ((fine)) penalty of not less than seventy-five dollars; and upon a third or subsequent ((conviction)) finding shall be ((fined)) assessed a basic ((fine)) penalty of not less than one hundred dollars.

(2) In addition to the ((fines levied)) penalties imposed in subsection (1) of this section any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be ((fined)) assessed three cents for each pound of excess weight: PROVIDED, That upon a first violation in any calendar year, the court may suspend the ((fine)) penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case shall the basic ((fine levied)) penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve month period, the court shall suspend the certificate of license registration for not less than thirty days. ((For purposes of this section, bail forfeiture shall be given the same effect as a conviction:)) Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person ((convicted of violating)) found to have violated any posted limitations of a highway or section of highway shall be ((fined)) assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing shall be unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional ~~((fines))~~ penalties as provided by subsection (2) of this section, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The basic ~~((fine))~~ penalty provided in subsection (1) of this section shall be distributed as prescribed in RCW 46.68.050: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. For the purpose of computing the basic ~~((fines))~~ penalties and additional ~~((fines))~~ penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve month period under the same ownership.

(9) The additional ~~((fine))~~ penalty for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 as now or hereafter amended.

(10) Any state patrol officer or any weight control officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated, and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third ~~((conviction))~~ finding within a calendar year ~~((for))~~ of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of ~~((highways, and for the purposes of this section bail forfeiture shall be considered to be a conviction))~~ transportation. The vehicle covered by such canceled permit shall not be eligible for a new permit for a period of thirty days.

(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

The chief of the state patrol, with the advice of the ~~((state highway commission))~~ department, may adopt reasonable rules to aid in the enforcement of the provisions of this section.

Sec. 78. Section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.130 are each amended to read as follows:

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width

of fourteen feet or less when being moved while patrolled, flagged, lighted, signed, and at a time of day in accordance with rules hereby authorized to be adopted by the ~~((highway commission))~~ department of transportation and the statutes. Violation of a rule adopted by the ~~((highway commission))~~ department as authorized by this section or a term of this section is a ~~((misdemeanor))~~ traffic infraction.

Sec. 79. Section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.140 are each amended to read as follows:

In addition to any other special permits authorized by law, special permits may be issued by the ~~((highway commission))~~ department of transportation for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the ~~((highway commission))~~ department for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the ~~((highway commission))~~ department.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The ~~((highway commission))~~ department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the ~~((highway commission))~~ department as authorized by this section or a term of this section is a ~~((misdemeanor))~~ traffic infraction.

Sec. 80. Section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.175 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and ~~((who fails))~~ failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is ~~((guilty of a misdemeanor and shall be fined))~~ a traffic infraction for which a penalty of not less than fifty dollars or more than one hundred dollars shall be assessed. In addition to the above ~~((fine))~~ penalty, the ~~((highway commission))~~ department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the ~~((highway commission))~~ department of transportation or the local authority having jurisdiction. The ~~((commission))~~ department or the local authority after such hearing may revise its previous action.

Sec. 81. Section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52.010 are each amended to read as follows:

The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a misdemeanor.

Sec. 82. Section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(3) Unless otherwise provided in subsection (6) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address, and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall be guilty of a gross misdemeanor and, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) 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;

(6) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such

accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 83. Section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine (( $\sigma$ )), forfeiture, or penalty resulting from every said traffic complaint (( $\sigma$ )), citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction (( $\sigma$ )), forfeiture of bail (~~(of a person upon a charge of violating)~~), or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had (( $\sigma$ )), bail was forfeited, or the finding made shall prepare and immediately forward to the director of ((motor vehicles)) licensing at Olympia an abstract of the record of said court covering the case ((in which said person was so convicted or forfeited bail)), which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any ((conviction)) finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, (( $\sigma$ )) whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine (( $\sigma$ )), forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be

fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 84. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables, and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen ((shall be guilty of a misdemeanor unless he shall)) to report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen is a traffic infraction.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index((~~+~~))." He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol, and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of ((motor vehicles)) licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol, and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator.

Sec. 85. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120 are each amended to read as follows:

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions and findings of traffic infractions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state

patrol, with reference to each driver involved in the reported accidents. The case record shall be maintained in two parts. One part shall be the employment driving record of the person which shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another ((and)), all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another, and all findings that the person has committed a traffic infraction while the person is driving a commercial motor vehicle as an employee of another. The other part shall include all other accidents ((and)), convictions, and findings that the person has committed a traffic infraction. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

Sec. 86. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than three years last past, and such abstract whenever possible, shall include an enumeration of motor vehicle accidents in which such person was involved; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions ((or)), forfeitures of bail, or findings that an infraction was committed based upon a violation of ((such person upon a charge of violating)) any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon such person by an arresting officer.

The abstract herein provided to an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction ((of)) or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during

an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

Sec. 87. Section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500 are each amended to read as follows:

(1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

Sec. 88. Section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32, Laws of 1967 and RCW 46.61.525 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle in a negligent manner (~~((over and along the public highways of this state))~~). For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle (~~((upon the public highways of this state))~~) in such a manner as to endanger or be likely to endanger any persons or property: PROVIDED HOWEVER, That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: PROVIDED, That the director (~~((shall))~~) may not revoke any license under this section, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.

Sec. 89. Section 46.48.050, chapter 12, Laws of 1961 and RCW 46.61.530 are each amended to read as follows:

No person or persons (~~((shall))~~) may race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons (~~((guilty of comparing or contesting))~~) who wilfully compare or contest relative speeds by (~~((simultaneous))~~) operation(~~((s))~~) of one or more motor vehicles shall be guilty of racing, which shall constitute reckless driving under RCW 46.61.500, whether or not such speed is in excess of the maximum speed prescribed by law: PROVIDED HOWEVER, That

any comparison or contest of relative speeds which has been authorized by the governmental entity over whose roads such contest or comparison will take place shall not constitute racing.

Sec. 90. Section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61.535 are each amended to read as follows:

It shall be unlawful for any manufacturer, dealer, distributor, or any person, firm, or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. ~~((Conviction for a))~~ Violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

Sec. 91. Section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61.665 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. ~~((Any person so doing shall be deemed guilty))~~ Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

Sec. 92. Section 1, chapter 151, Laws of 1961 and RCW 46.61.680 are each amended to read as follows:

It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

~~((Any person violating))~~ Violation of the provisions of this section ((shall be guilty of a misdemeanor)) is a traffic infraction.

Sec. 93. Section 1, chapter 259, Laws of 1961 and RCW 46.61.690 are each amended to read as follows:

Any person who operates a motor vehicle over a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the ~~((Washington toll bridge authority))~~ department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, ~~((shall be guilty of a misdemeanor))~~ commits a traffic infraction if:

(1) He refuses to pay, evades, or attempts to evade the payment of such tolls, or ~~((who shall))~~ uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) He turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) He refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

Sec. 94. Section 79, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.750 are each amended to read as follows:

(1) It is a (~~misdemeanor~~) traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 95. Section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050 are each amended to read as follows:

It (~~shall be a misdemeanor~~) is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony, a gross misdemeanor, or a (~~violation~~) misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

Sec. 96. Section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions, findings that the person committed a traffic infraction, or, if a minor, shall have violations recorded with the department of (~~motor vehicles~~) licensing, or forfeited bail for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five-year period, as evidenced by the records maintained in the department of (~~motor vehicles~~) licensing; PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520; or

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; or

(c) Driving a motor vehicle while his license, permit, or privilege to drive has been suspended or revoked; or

(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020 as now or hereafter amended.

(2) Twenty or more convictions (~~(or)~~), bail forfeitures, or findings that the person committed a traffic infraction for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of (~~motor vehicles~~) licensing. Such convictions (~~(or)~~), bail forfeitures, or findings shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions (~~(or)~~), forfeitures, or findings for any nonmoving violation.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

Sec. 97. Section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030 are each amended to read as follows:

The director of (~~the department of motor vehicles~~) licensing shall certify three transcripts or abstracts of the (~~conviction~~) record of convictions and findings

of traffic infractions as maintained by the department of (~~(motor vehicles)~~) licensing of any person whose record brings him within the definition of an habitual offender, as defined in RCW 46.65.020, to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state. Such transcript or abstract may be admitted as evidence and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such fact is untrue.

Sec. 98. Section 46.76.080, chapter 12, Laws of 1961 and RCW 46.76.080 are each amended to read as follows:

The violation of any provision of this chapter (~~(shall be a misdemeanor)~~) is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation.

Sec. 99. Section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030 are each amended to read as follows:

There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the penalty, fine, or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine or penalty is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total penalty, fine, or bail forfeited for all offenses.

Notwithstanding, the provisions contained in chapters 3.62 and 3.16 RCW, or any other section, all moneys derived from penalty assessments made under this section shall be forwarded to the traffic safety education account of the general fund of the state treasury and shall be used exclusively for traffic safety education.

Where a fine or penalty is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine or penalty actually imposed.

Sec. 100. Section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83.060 are each amended to read as follows:

Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, (~~(shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction)~~) is a traffic infraction.

Sec. 101. Section 25, chapter 106, Laws of 1963 and RCW 46.85.250 are each amended to read as follows:

Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by, or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

Every violation of this section (~~(shall be punishable as a misdemeanor)~~) is a traffic infraction, and every peace officer witnessing any use of any "floater" license

plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director.

Sec. 102. Section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90-.345 are each amended to read as follows:

It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen (~~shall be guilty of a misdemeanor unless he shall~~) to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer.

Sec. 103. Section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90-.560 are each amended to read as follows:

(~~Every person convicted of a~~) Violation of any provision of RCW 46.90.500 through 46.90.540 (~~shall be guilty of a misdemeanor~~) is a traffic infraction.

Sec. 104. Section 31, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.030 are each amended to read as follows:

Any person violating RCW 47.38.020 or any rule or regulation adopted or promulgated pursuant to RCW 47.38.020 above shall be guilty of a misdemeanor; PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 105. Section 1, chapter 38, Laws of 1961 and RCW 53.08.220 are each amended to read as follows:

A port district may formulate all needful regulations for the use by tenants, agents, servants, licensees, invitees, suppliers, passengers, customers, shippers, business visitors, and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment, or repeal of such regulations as part of the ordinances of the city or town in which such properties or facilities are situated, or as part of the resolutions of the county, if such properties or facilities be situated outside any city or town. The port commission shall make such request by resolution after holding a public hearing on the proposed regulations, of which at least ten days' notice shall be published in a legal newspaper of general circulation in the port district. Such regulations must conform to and be consistent with federal and state law. As to properties or facilities situated within a city or town, such regulations must conform to and be consistent with the ordinances of the city or town. As to properties or facilities situated outside any city or town, such regulations must conform to and be consistent with county resolutions. Upon receiving such request, the governing body of the city, town, or county, as the case may be, may adopt such regulations as part of its ordinances or resolutions, or amend or repeal such regulations in accordance with the terms of the request. Any violation of such regulations shall constitute a misdemeanor which shall be redressed in the same manner as other police regulations of the city, town, or county, and it shall be the duty of all law enforcement officers to enforce such regulations accordingly; PROVIDED, That violation of a regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 106. Section 32, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.130 are each amended to read as follows:

Any person who shall wilfully fail to comply with the rules, regulations, and conditions set forth in this chapter or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor: PROVIDED, That violation of a rule, regulation, or condition relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule, regulation, or condition equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

Sec. 107. Section 4, chapter 67, Laws of 1921 as amended by section 3, chapter 143, Laws of 1923 and RCW 76.04.480 are each amended to read as follows:

Any person violating or failing to comply with any rules or regulations of the ((director of conservation and development through and by means of the division of forestry;)) department of natural resources made under the provisions of ((this act)) RCW 76.04.460, shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 108. Section 81.68.080, chapter 14, Laws of 1961 and RCW 81.68.080 are each amended to read as follows:

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement, or any part of provision thereof, is guilty of a gross misdemeanor and punishable as such: PROVIDED, That violation of an order, decision, rule or regulation, direction, demand, or requirement relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, decision, rule or regulation, direction, demand, or requirement equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

Sec. 109. Section 18, chapter 150, Laws of 1965 and RCW 81.70.170 are each amended to read as follows:

Every person who knowingly or wilfully violates or fails to comply with or who knowingly or wilfully procures, aids, or abets in the violation of any provisions of this chapter or who knowingly or wilfully fails to obey or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission or any part or provisions thereof is guilty of a gross misdemeanor: PROVIDED, That violation of an order, decision, rule, regulation, direction, demand, or requirement relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, decision, rule, regulation, direction, demand, or requirement equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

NEW SECTION. Sec. 110. Sections 1 through 3 and 6 through 14 of this 1979 act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 111. Section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010 are each repealed.

NEW SECTION. Sec. 112. 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. 113. The provisions of this act shall take effect on July 1, 1980, and shall apply to violations of the traffic laws committed on or after July 1, 1980."

In line 1 of the title, after "Relating to" strike the remainder of the title, and insert "motor vehicle offenses; amending section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090; amending section 32, chapter 299, Laws of 1961 and RCW 3.42.020; amending section 51, chapter 299, Laws of 1961 and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 and RCW 3.50.030; amending section 77, chapter 299, Laws of 1961 and RCW 3.50.280; amending section 112, chapter 299, Laws of 1961 and RCW 3.66.010; amending section 1, chapter 58, Laws of 1929 and RCW 12.36.010; amending section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565; amending section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030; reenacting and amending section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090; amending section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250; amending section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510; amending section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440; amending section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460; amending section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470; amending section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530; amending section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540; amending section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040; amending section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120; amending section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68.080; amending section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69.180; amending section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43.30.310; amending section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210; amending section 44, chapter 170, Laws of 1965 ex. sess. as amended by section 1, chapter 52, Laws of 1975 and RCW 46.01.230; amending section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170; amending section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120; amending section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.135; amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 4, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.137; amending section 46.16.138, chapter 12, Laws of 1961 and RCW 46.16.138; amending section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140; amending section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145; amending section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of

1975-'76 2nd ex. sess. and RCW 46.16.380; amending section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585; amending section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171; amending section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190; amending section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270; amending section 1, chapter 1, Laws of 1969 as amended by section 4, chapter 287, Laws of 1975 1st ex. sess. and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311; amending section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; amending section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050; amending section 28, chapter 169, Laws of 1963 and RCW 46.29.280; amending section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300; amending section 60, chapter 169, Laws of 1963 and RCW 46.29.600; amending section 46.32.010, chapter 12, Laws of 1961 as amended by section 48, chapter 32, Laws of 1967 and RCW 46.32.010; amending section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32.050; amending section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010; amending section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37.188; amending section 1, chapter 77, Laws of 1971 and RCW 46.37.423; amending section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424; amending section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.047; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.130; amending section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.140; amending section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.175; amending section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52.010; amending section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020; amending section 46.52.100, chapter 12, Laws of 1961 as amended by section 60, chapter 32, Laws of 1967 and RCW 46.52.100; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 6, chapter 42, Laws of 1969 ex. sess. and RCW 46.52.110; amending section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130; amending section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500; amending section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32, Laws of 1967 and RCW 46.61.525; amending section 46.48.050, chapter 12, Laws of 1961 and RCW 46.61.530; amending section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61.535; amending section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61.665; amending section 1, chapter 151, Laws of 1961 and RCW 46.61.680; amending section 1, chapter 259, Laws of 1961 and RCW 46.61.690; amending section 79, chapter 155, Laws of 1965 ex. sess.

and RCW 46.61.750; amending section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.030; amending section 46.76.080, chapter 12, Laws of 1961 and RCW 46.76.080; amending section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030; amending section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83.060; amending section 25, chapter 106, Laws of 1963 and RCW 46.85.250; amending section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.345; amending section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.560; amending section 31, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.030; amending section 1, chapter 38, Laws of 1961 and RCW 53.08.220; amending section 32, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.130; amending section 4, chapter 67, Laws of 1921 as amended by section 3, chapter 143, Laws of 1923 and RCW 76.04.480; amending section 81.68.080, chapter 14, Laws of 1961 and RCW 81.68.080; amending section 18, chapter 150, Laws of 1965 and RCW 81.70.170; adding new sections to chapter 46.61 RCW; adding a new chapter to Title 46 RCW; repealing section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010; prescribing penalties; and prescribing an effective date."

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner.

The bill was read the second time by sections.

Senator Marsh moved adoption of the committee amendment.

On motion of Senator Pullen, the following amendment by Senator Pullen to the committee amendment was adopted:

On page 10, line 29, after "jury" and before the period insert "unless a trial by jury is demanded in accordance with Article 1, Section 21 of the Washington State Constitution"

The motion by Senator Marsh carried and the committee amendment, as amended, was adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

#### MOTIONS

On motion of Senator Marsh, Engrossed House Bill No. 101, as amended by the Senate, was made a special order of business for twelve noon today.

At 11:30 a.m., on motion of Senator Walgren, the Senate recessed until 12:25 p.m.

#### NOON SESSION

The President called the Senate to order at 12:25 p.m.

#### MOTION

At 12:25 p.m., on motion of Senator Marsh, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

#### MOTIONS

On motion of Senator Wilson, Senator Bausch was excused.

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 415.

### SECOND READING

HOUSE BILL NO. 415, by Representatives O'Brien, Greengo, Garrett and Zimmerman:

Permitting cities to designate an officer to conduct local assessment hearings.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

HOUSE BILL NO. 415, permitting cities to designate an officer to conduct local assessment hearings (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, lines 13-14, after the word "thereof", strike "or before an officer designated by the legislative authority" and insert ", or the legislative authority of any city having a population of 15,000 or more may designate an officer to conduct such hearings."

On page 1, line 21, before the period after "authority", insert ": PROVIDED, That a local ordinance shall provide for an appeal by any person protesting his or her assessment to the legislative authority of a decision made by such officer"

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, Moore, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendments were adopted.

On motion of Senator Wilson, the rules were suspended, House Bill No. 415, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 415, 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 Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bausch, Keefe—2.

HOUSE BILL NO. 415, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SECOND READING

ENGROSSED HOUSE BILL NO. 1325, by Representatives Garrett and Zimmerman:

Revising the optional municipal code.

The bill was read the second time by sections.

On motion of Senator North, the rules were suspended, Engrossed House Bill No. 1325 was advanced to third reading, the second 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. 1325 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Keefe—2.

ENGROSSED HOUSE BILL NO. 1325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 398.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 398, by Committee on Higher Education (originally sponsored by Representatives Teutsch, Deccio, Grimm and North):

Insuring that community college board trustees serve until their successors are appointed and qualified.

## REPORT OF STANDING COMMITTEE

February 26, 1979.

SUBSTITUTE HOUSE BILL NO. 398, insuring that community college board trustees serve until their successors are appointed and qualified (reported by Committee on Higher Education):

Recommendation: Do pass with the following amendment:

On page 1, line 23, after "and" strike everything down to and including "state" on line 24 and insert "qualified"

Signed by: Senators Goltz, Chairman; Benitz, Guess, Odegaard, Scott, Shinpoch, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Goltz, the committee amendment was adopted.

On motion of Senator Goltz, the following amendment was adopted:

Following section 1 add new sections to read as follows:

"Sec. 2. Section 28B.20.100, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 62, Laws of 1973 and RCW 28B.20.100 are each amended to read as follows:

The (~~government~~) governance of the University of Washington shall be vested in a board of regents to consist of seven members (~~who~~). They shall be appointed by the governor (~~of the state, by and~~) with the (~~advice and~~) consent of the senate, and (~~who~~) shall hold their offices (~~respectively~~) for a term of six years from the (~~second Monday in March next succeeding their appointment~~) first day of October and until their successors shall be appointed and (~~shall qualify by filing their oath with the secretary of state~~) qualified. Four members of said board shall constitute a quorum for the transaction of business. (~~Whenever there shall be~~) In the case of a vacancy (~~in the said board of regents, from any cause whatever, it shall be the duty of~~), or when an appointment is made after the date of the expiration of a term, the governor (~~to~~) shall fill (~~such office by appointment for the~~

unexpired)) the vacancy for the remainder of the term of the ((incumbent)) regent whose ((position)) office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the last day of September in any one year.

Sec. 3. Section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 62, Laws of 1973 and RCW 28B.30.100 are each amended to read as follows:

The ((seven members of the)) governance of Washington State University shall be vested in a board of regents ((of Washington State University)) to consist of seven members. They shall be appointed by the governor, by and with the consent of the senate((: PROVIDED, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant)) and shall hold their offices for a term of six years from the first day of October and until their successors are appointed and qualified. ((Except as otherwise in this section provided, all appointments shall be for the term of six years and until the appointment and qualification by filing his oath with the secretary of state of a successor to each appointee.)) Four members of said board shall constitute a quorum for the transaction of business. In the case of a vacancy or when an appointment is made after the date of the expiration of a term, the governor shall fill the vacancy for the remainder of the term of the regent whose office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the last day of September in any one year.

Each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the state of Washington, with two or more sufficient sureties, residents of the state, or with a surety company licensed to do business within the state, in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such regent: PROVIDED, That the university shall pay any fees incurred for any such bonds for their board members.

Sec. 4. Section 45, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.100 are each amended to read as follows:

The ((government)) governance of each of the regional universities shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the ((second Monday in March next succeeding their appointment)) first day of October and until their successors are appointed and qualified. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the ((unexpired)) remainder of the term of the trustee whose office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the ((second Monday of March)) last day of September in any one year.

Sec. 5. Section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.100 are each amended to read as follows:

The ((government)) governance of The Evergreen State College shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the ((second Monday in March next succeeding their appointment)) first day of October and until their successors are appointed and qualified. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the ((unexpired)) remainder of the term of the trustee whose office has become vacant or expired.

No more than the terms of two members will expire simultaneously on the ~~(second Monday of March)~~ last day of September in any one year.

Sec. 6. Section 28B.30.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.120 are each amended to read as follows:

Meetings of the board of regents may be called in such manner as the board may prescribe, and a full meeting of the board shall be called at least once a year. ~~((A majority of said board shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.))~~ No vacancy in said board shall impair the rights of the remaining members of the board.

**NEW SECTION.** Sec. 7. Nothing in sections 2 through 6 of this amendatory act shall shorten the terms of regents or trustees presently in office.

**NEW SECTION.** Sec. 8. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

### MOTION

On motion of Senator Goltz, the following amendments to the title were adopted:

On line 1 of the title strike "and"

On line 4 of the title after "28B.50.100" and before the period insert "; amending section 28B.20.100, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 62, Laws of 1973 and RCW 28B.20.100; amending section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 62, Laws of 1973 and RCW 28B.30.100; amending section 45, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.100; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 65, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.100; amending section 28B.30.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.120; and creating new sections"

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 398, 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. 398, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Keefe—2.

SUBSTITUTE HOUSE BILL NO. 398, as amended by the Senate, having received the constitutional majority, 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. 413, by Representatives Amen, Flanagan, Warnke and Fuller (by Legislative Budget Committee request):

Modifying the law on the purchase and sale of real property by school districts.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 413 was advanced to third reading, the second 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. 413 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Bluechel, Jones—2.

Excused: Senators Bausch, Keefe—2.

ENGROSSED HOUSE BILL NO. 413, having received the constitutional majority, 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. 666, by Representatives Rosbach, Fuller, Heck and Chandler:

Allowing authorized transfers of students to another school district for indefinite periods.

### REPORT OF STANDING COMMITTEE

April 3, 1979.

HOUSE BILL NO. 666, allowing authorized transfers of students to another school district for indefinite periods (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 111, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58-.225 are each amended to read as follows:

A local district may be authorized by the educational service district superintendent to transport and educate its pupils in (~~another district~~) other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education: PROVIDED, That notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to chapter 28A.41 RCW shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

NEW SECTION. Sec. 2. Any school district which utilized the provisions of RCW 28A.58.225 in the 1978-79 school year shall be hereafter authorized by the appropriate educational service district superintendent to transport and educate its pupils in other school districts pursuant to the provisions of RCW 28A.58.225 through the 1984-85 school year. This section shall be null and void and of no further effect after July 31, 1985.

Sec. 3. Section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 58, Laws of 1979 and RCW 28A.58.136 are each amended to read as follows:

The directors of any school district may establish, equip and operate lunchrooms in school buildings for pupils, certificated and noncertificated employees, and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of lunches, federal lunch aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW 28A.58.722: PROVIDED, FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals at cost as provided in section 2 (~~of this amendatory act~~), chapter 58, Laws of 1979 to children who are participating in educational or training or care programs or activities conducted by private, nonprofit organizations and entities and to students who are attending private elementary and secondary schools. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement with a private agency for the ~~((preparation and service of food by a private agency))~~ establishment, management and/or operation of a food service program or any part thereof.

NEW SECTION. Sec. 4. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. 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."

In line 4 of the title after "RCW 28A.58.225" and before the period insert "; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 58, Laws of 1979 and RCW 28A.58.136; creating new sections; and declaring an emergency"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

Senator McDermott moved the committee amendment not be adopted.

On motion of Senator Gould, the committee amendment was adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

#### MOTION

On motion of Senator McDermott, House Bill No. 666, as amended by the Senate, will be considered following Substitute House Bill No. 619.

#### MOTION

On motion of Senator Marsh, the Senate commenced consideration of House Bill No. 414.

#### SECOND READING

HOUSE BILL NO. 414, by Representatives Bender, Chandler, Thompson and Lux:

Establishing a revolving fund for fees collected by the department of labor and industries for electrical licenses and inspections.

### REPORT OF STANDING COMMITTEE

March 27, 1979.

HOUSE BILL NO. 414, establishing a revolving fund for fees collected by the department of labor and industries for electrical licenses and inspections (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. There is added to chapter 43.22 RCW a new section to read as follows:

There is created an account within the department of labor and industries revolving fund, as established by RCW 43.22.500, to be known as the electrical services account. Such account shall be used by the director to provide central funding, accounting, and distribution of the actual costs of the electrical inspections and electrical licenses.

All fees collected by the director from the electrical inspections and license fees shall be deposited in the electrical services account. Disbursements from the account shall be limited to those costs actually incurred by the department in paying electrical inspectors or compliance officers at either regular full-time or temporary part-time employment bases. All disbursements from the electrical services account shall be pursuant to vouchers executed by the director or the director's designee following determination by the board of electrical examiners that the sums are necessary to accomplish the intent of RCW 19.28.210.

In order to maintain effective expenditure and revenue control, the electrical services account shall be subject in all respects to chapter 43.88 RCW.

NEW SECTION. Sec. 2. All moneys to the credit of the electrical licenses account in the state general fund on the effective date of this act, and any moneys thereafter paid to the state treasurer for or to the credit of the electrical licenses account, are transferred to the electrical services account within the department of labor and industries revolving fund.

Sec. 3. Section 43.79.330, chapter 8, Laws of 1965 and RCW 43.79.330 are each amended to read as follows:

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

(1) Capitol building construction fund moneys, to the capitol building construction account;

(2) Cemetery fund moneys, to the cemetery account;

(3) Commercial feed fund moneys, to the commercial feed account;

(4) Commission merchants fund moneys, to the commission merchants account;

(5) ~~((Electrical licenses fund moneys, to the electrical licenses account;~~

~~(6))~~ Feed and fertilizer fund moneys, to the feed and fertilizer account;

~~((7))~~ (6) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;

~~((8))~~ (7) Forest development fund moneys, to the forest development account;

~~((9))~~ (8) Harbor improvement fund moneys, to the harbor improvement account;

~~((10))~~ (9) Institutional building construction fund moneys, to the institutional building construction account;

~~((11))~~ (10) Investment reserve fund moneys, to the investment reserve account;

- ((+2)) (11) Lewis river hatchery fund moneys, to the Lewis river hatchery account;
- ((+3)) (12) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- ((+4)) (13) Nursery inspection fund moneys, to the nursery inspection account;
- ((+5)) (14) State parks and parkways fund moneys, to the state parks and parkways account;
- ((+6)) (15) Public school building construction fund moneys, to the public school building construction account;
- ((+7)) (16) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
- ((+8)) (17) Real estate commission fund moneys, to the real estate commission account;
- ((+9)) (18) Reclamation revolving fund moneys, to the reclamation revolving account;
- ((+20)) (19) Seed fund moneys, to the seed account;
- ((+21)) (20) United States vocational education fund moneys, to the United States vocational education account;
- ((+22)) (21) University of Washington building fund moneys, to the University of Washington building account;
- ((+23)) (22) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;
- ((+24)) (23) State College of Washington building fund moneys, to the Washington State University building account;
- ((+25)) (24) Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and
- ((+26)) (25) School emergency construction fund moneys, to the public school building construction account.

Sec. 4. Section 5, chapter 207, Laws of 1963 as last amended by section 60, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical advisory board, consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, the adoption of rules and regulations pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the electrical advisory board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; one member shall be an employee or officer of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment or devices; one member shall be a person not related to the electrical industry to represent the public; one member shall be a recognized electrician; one member shall be a licensed professional engineer qualified to do business in the state of Washington; and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor

from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; the member representing the installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public shall serve two years; the member selected as the recognized electrician shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid twenty-five dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the electrical ((license)) services account within the department of labor and industries revolving fund, upon vouchers approved by the director of labor and industries.

Sec. 5. Section 3, chapter 169, Laws of 1935 as last amended by section 61, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.070 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall have power to appoint an electrical inspector, and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties. All electrical inspectors appointed by the director of labor and industries shall be electricians of not less than four years experience in installing and maintaining electrical equipment, or four years experience as electrical inspectors for a municipality, or two years electrical training in a college of electrical engineering of recognized standing, and two years continuous practical electrical experience in installation work or four years of electrical training in a college of electrical engineering of recognized standing. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical ((license)) services account within the department of labor and industries revolving fund, upon vouchers approved by the director of labor and industries.

Sec. 6. Section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.120 are each amended to read as follows:

(1) It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus to be operated by such current as it pertains to the electrical industry, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue. Application for such license shall be made in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted, and shall state the type of license sought, whether a general or specialty electrical license, and if the latter, the type of specialty. A general electrical license shall grant to the holder thereof the right to engage in, conduct or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus, or install material to fasten, or insulate such wires or equipment, to be operated by such current, in any and all places in the state of Washington. A specialty electrical license shall grant to the holder thereof a limited right to engage in, conduct or carry on, the business of installing wires or equipment to carry electrical current, and installing apparatus, or to install material to fasten, or insulate such wires or equipment, to be operated by such current in the state of Washington as expressly allowed by such license. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the electrical services account within the department of labor and industries revolving fund ((to be known and designated as the "electrical license fund")). Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto. In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: PROVIDED, HOWEVER, If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings

and loan association and shall pay annually to the depositor the interest derived from such account. The board of electrical examiners shall certify to the director of labor and industries all persons who are entitled to either a general or specialty electrical contractors' qualifying certificate. The director of labor and industries shall issue general or specialty licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, or corporation, including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or bonds nor charge any fee for the same or a similar purpose: PROVIDED, That no person holding more than one specialty license under the provisions of this chapter shall be required to pay an annual fee for more than one such license or shall be required to post more than one three thousand dollar bond or an equivalent cash deposit or other negotiable security.

(2) From and after the effective date of this 1975 amendatory act to obtain a general or specialty contractor license the applicant must designate an individual who currently possesses an electrical qualifying certificate as a general electrical contractor or as to the specialty electrical contractor license for which application has been made. To obtain such a certificate an individual shall pass an examination as set forth in RCW 19.28.123 or, alternately, the applicant was a duly licensed electrical contractor at any time during 1974. As to those applicants who were duly licensed as electrical contractors by the state of Washington at any time during 1974 such applicants shall be entitled to receive a general electrical contractor qualifying certificate without examination.

Sec. 7. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full time or part time employment basis. Meetings of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each member of the board shall be paid twenty-five dollars for each day or portion thereof that the board is in session and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which shall be paid out of the electrical (~~license~~) services account within the department of labor and industries revolving fund, upon vouchers approved by the director of labor and industries.

Sec. 8. Section 12, chapter 169, Laws of 1935 as amended by section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270 are each amended to read as follows:

In case any decision under this chapter is required by an electrical board of appeals, the director of labor and industries shall designate and appoint such board, which shall consist of five qualified electricians of not less than four years experience, one of the members thereof shall be an employee or officer of a corporation generating and selling electrical power; one member thereof shall be a person, a member of a firm, or an officer of a corporation engaged in installing electrical wiring appliances or equipment as a contractor; one member thereof shall be a journeyman wireman; one member thereof shall be an electrical engineer regularly employed as such by some person, firm or corporation; and these four members shall elect the fifth member. No two members of said board shall be appointed from the same firm or officer or employee of the same person, firm, or corporation; and no member of said board shall be either a person or a member of any firm, or an officer of any corporation, or an employee of any person, firm or corporation interested in the matter which said board, when appointed, may be called upon to consider or decide. In case of inability of any member appointed to act in any matter the director of labor and industries shall appoint some other person qualified under this chapter in the place of such person. A majority of the members of such board shall constitute a quorum to transact any business or decide any matter submitted to such board; and decisions and rulings of the board shall be made by majority vote of the entire board. The decision of the board in all matters submitted to it shall be final, conclusive, and binding on all parties. Each member of the board shall be paid while in session five dollars each day and shall receive in addition thereto travel expenses, all of which shall be paid out of the deposit required in case of an appeal, or if such deposit be returned to the appellant as herein provided, or be insufficient for that purpose, such amounts shall be paid out of the electrical ~~((license))~~ services account within the department of labor and industries revolving fund, upon vouchers approved by the director of labor and industries.

Sec. 9. Section 13, chapter 169, Laws of 1935 and RCW 19.28.300 are each amended to read as follows:

Any person, firm or corporation desiring a ruling or decision of the board of appeals on any question of interpretation of the rules, regulations and standards, or proper application of the rules, regulations and standards prescribed by this chapter shall, in writing, notify the director of labor and industries of such desire and shall accompany the notice with a certified check payable to the director of labor and industries in the sum of fifty dollars; such notice shall specify the ruling or interpretation desired and the contention of such person, firm or corporation as to the proper interpretation or application on the question on which a ruling or decision is desired; and in event the board of appeals shall determine that the contention of the applicant for a decision or ruling was proper the certified check shall be returned to such applicant; otherwise the same shall be used so far as necessary in paying the expenses and per diem of the members of the board of appeals in connection with such matter; and any portion of said fifty dollars not used in paying the per diem and expenses of said board in said case shall, by the director of labor and industries, be paid into the electrical ~~((license))~~ services account within the department of labor and industries revolving fund.

Sec. 10. Section 7, chapter 169, Laws of 1935 and RCW 19.28.310 are each amended to read as follows:

The ~~((department {director}))~~ director of labor and industries shall have power in case of gross and continued violation of the provisions of this chapter, to revoke, or suspend for such period as he may determine, any license issued under this chapter. Any such revocation or suspension shall be subject to review by an appeal to the electrical board of appeals hereinafter provided. Such appeal shall be taken within five days after notice of such revocation or suspension is given by mailing to the address of such licentiate as shown on the application for license, and shall be

effected by filing a written notice of appeal with the department of labor and industries, accompanied by a certified check for fifty dollars, which shall be returned to the licentiate in event the decision of the department of labor and industries is not sustained by said board, otherwise to be applied by the department of labor and industries in the payment of the per diem and expenses of the members of such board incurred in such matter; and any balance remaining after payment of such per diem and expenses shall be paid into the electrical (~~license~~) services account within the department of labor and industries revolving fund.

Sec. 11. Section 18, chapter 169, Laws of 1935 and RCW 19.28.330 are each amended to read as follows:

All sums received from licenses, or other sources, herein shall be paid to the state treasurer as ex officio custodian thereof and by him, as such custodian, placed in ~~((a special fund designated as the "electrical license fund,"))~~ the electrical services account within the department of labor and industries revolving fund, and by him paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries. The said treasurer as ex officio custodian of said fund shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom. Said fund shall be charged with its pro rata share of the cost of administering said fund to be determined by the director of labor and industries and the director of efficiency of this state."

On page 1, on line 1 of the title, after "industries;" strike the remainder of the title and insert "amending section 43.79.330, chapter 8, Laws of 1965 and RCW 43.79.330; amending section 5, chapter 207, Laws of 1963 as last amended by section 60, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.065; amending section 3, chapter 169, Laws of 1935 as last amended by section 61, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.070; amending section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 195, Laws of 1975 1st ex. sess. and RCW 19.28.120; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123; amending section 12, chapter 169, Laws of 1935 as amended by section 63, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.270; amending section 13, chapter 169, Laws of 1935 and RCW 19.28.300; amending section 7, chapter 169, Laws of 1935 and RCW 19.28.310; amending section 18, chapter 169, Laws of 1935 and RCW 19.28.330; adding a new section to chapter 43.22 RCW; and creating a new section."

Signed by: Senators Donohue, Chairman; Bausch, Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, House Bill No. 414, 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. 414, 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 Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Lysen—1.

Excused: Senators Bausch, Keefe—2.

HOUSE BILL NO. 414, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 619.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 619, by Committee on Social and Health Services (originally sponsored by Representatives Mitchell, Adams, Whiteside and Addison):

Revising laws relating to prescribing drugs.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 619, revising laws relating to prescribing drugs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 8, after "food" insert "or vitamins"

On page 2, line 15, strike "~~((any applicable federal or))~~" and insert "any applicable federal or"

On page 3, line 34, after "only" and before the period, insert ": PROVIDED, That such designation shall not include any drug not so designated under the Federal Food, Drug and Cosmetic Act and regulations adopted thereto"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Gould, Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment to page 2, line 8.

On motion of Senator Day, the following amendment to the committee was adopted:

Amend the amendment to page 2, line 8 as follows: before "or vitamins" insert ", minerals"

The committee amendment, as amended, was adopted.

On motion of Senator Day, the committee amendments to page 2, line 15 and page 3, line 34 were adopted.

On motion of Senator Day, the following amendments were adopted:

On page 2, line 22, after "RCW," insert "an osteopathic physician or:"

On page 3, line 4, after "RCW," insert "an osteopathic physician or"

On motion of Senator Day, the rules were suspended, Substitute 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.

### POINT OF INQUIRY

Senator Guess: "Senator Day, the broad powers that you are giving to the pharmacy board, you are not giving them the powers to limit the ability of people to buy off the shelf vitamins, are you?"

Senator Day: "No, we are certainly not. In fact, the committee amendment, on page 2, line 8, specifically addresses substances other than food and we included vitamins and minerals in that, Senator."

Senator Guess: "Thank you very much, Senator."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Keefe—2.

SUBSTITUTE 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 Walgren, the Senate resumed consideration of House Bill No. 666.

### SECOND READING

HOUSE BILL NO. 666, by Representatives Rosbach, Fuller, Heck and Chandler:

Allowing authorized transfers of students to another school district for indefinite periods.

The Senate resumed consideration of House Bill No. 666 from earlier today. The committee amendments were adopted at that time.

On motion of Senator McDermott, the rules were suspended, House Bill No. 666, 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. 666, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Keefe—2.

HOUSE BILL NO. 666, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 862.

## SECOND READING

ENGROSSED HOUSE BILL NO. 862, by Representatives North, Zimmerman, Thompson, Sherman and Teutsch:

Reimbursing class AA county hospital trustees for travel expenses.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 862 was advanced to third reading, the second 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. 862 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Bausch, Keefe—2.

ENGROSSED HOUSE BILL NO. 862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Walgren, the Senate advanced to the seventh order of business.

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 759.

## THIRD READING

HOUSE BILL NO. 759, by Representatives Valle, Whiteside and Galloway:

Permitting job recruitment expenditures by libraries.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 759.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 759 and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent or not voting, 2; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hayner, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Pullen, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, von Reichbauer, Walgren, Williams, Wilson, Wojahn—32.

Voting nay: Senators Clarke, Donohue, Guess, Hansen, Jones, Matson, Newschwander, Peterson, Rasmussen, Scott, Van Hollebeke, Vognild, Wanamaker—13.

Absent or not voting: Senators Henry, Woody—2.

Excused: Senators Bausch, Keefe—2.

HOUSE BILL NO. 759, having received the 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 eighth order of business.

On motion of Senator Walgren, Senate Bill No. 2012 was rereferred to the Committee on Rules from today's third reading calendar.

At 2:35 p.m., on motion of Senator Walgren, the Senate adjourned until 10:00 a.m., Tuesday, April 10, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-FIRST DAY

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### MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 10, 1979.

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, Keefe and Sellar. On motion of Senator Wilson, Senators Donohue and Keefe were excused. On motion of Senator Jones, Senator Sellar was excused.

The Color Guard, consisting of Pages Diane Dickey and Michael DePinna, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"UNTO YOU, O GOD, WE LIFT OUR PRAYERS AT THIS MOMENT, AS WE PAUSE TO RECOGNIZE YOU AS OUR CREATOR AND OUR SOURCE OF INNER STRENGTH. ENABLE US TO BECOME AWARE OF YOU, NOT AS THAT BEING FAR OFF IN YOUR UNIVERSE, BUT RATHER AS THAT UNSEEN PRESENCE THAT SPEAKS TO US WITH A STILL SMALL VOICE WITHIN.

"GIVE TO EACH SENATOR TODAY AN UNDERSTANDING NOT ONLY OF THE WISHES OF THOSE WHOM HE OR SHE REPRESENTS BACK HOME, BUT ALSO A VISION OF WHAT NEEDS TO BE DONE TO MEET THE VERY REAL NEEDS OF ALL CITIZENS OF OUR STATE. MAY THOSE NEEDS FIND SOLUTIONS IN THE DECISIONS MADE HERE TODAY, AND MAY EACH VOTE BE CAST AS AN EXPRESSION OF OUR CONCERN FOR PERSONS. AMEN."

### MOTION

On motion of Senator Marsh, the reading of the journal of the previous day was dispensed with and it was approved.

### REPORTS OF STANDING COMMITTEES

April 4, 1979.

SENATE BILL NO. 2378, authorizing the payment of certain pension benefits to spouses and ex-spouses (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Bausch, Gaspard, Goltz, Jones, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1979.

SENATE BILL NO. 2944, modifying allocation of certain funds under the 1977 appropriations act (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2944 be substituted therefor, and that Second Substitute Senate Bill No. 2944 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Gaspard, Goltz, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Wojahn.

Passed to Committee on Rules for second reading.

March 20, 1979.

SENATE BILL NO. 2967, relating to the operating budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2967 be substituted therefor, and that Substitute Senate Bill No. 2967 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Gaspard, Goltz, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1979.

HOUSE BILL NO. 277, repealing regulation of comic books (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 9, 1979.

HOUSE BILL NO. 284, establishing labeling requirements for frozen fish (reported by Committee on Commerce):

Recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 9, 1979.

HOUSE BILL NO. 308, modifying the law on unclaimed property (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1979.

SUBSTITUTE HOUSE BILL NO. 315, establishing criteria for the regulation of professions and occupations (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 9, 1979.

ENGROSSED HOUSE BILL NO. 358, abolishing certain fees at community colleges for certain students seeking to finish their high school education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Goltz, Chairman; Odegaard, Scott, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

April 9, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 437, making miscellaneous changes to educational clinic law (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Gould, Hayner, Morrison, Ridder, Talmadge.

Passed to Committee on Rules for second reading.

April 9, 1979.

**SUBSTITUTE HOUSE BILL NO. 500**, modifying the retirement systems of public employees, teachers, and state patrol officers (reported by Committee on Ways and Means):

**MAJORITY** recommendation: Do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Fleming, Gaspard, Goltz, Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules for second reading.

April 9, 1979.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 562**, permitting a person to detain a trespasser and establishing procedures for forfeiture of motor vehicles used in criminal trespass (reported by Judiciary Committee):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Bottiger, Clarke, Hayner, Jones, Woody.

Passed to Committee on Rules for second reading.

April 9, 1979.

**HOUSE BILL NO. 721**, clarifying registration requirements for contractors (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg, Williams.

Passed to Committee on Rules for second reading.

April 9, 1979.

**ENGROSSED HOUSE BILL NO. 954**, revising laws relating to annexation by code cities (reported by Committee on Local Government):

**MAJORITY** recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, North, Sellar.

Passed to Committee on Rules for second reading.

## REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

April 9, 1979.

**ELEANOR BRAND**, to the position of member of the Board of Tax Appeals, appointed by the Governor on April 1, 1979 for the term ending March 1, 1983, succeeding Robert M. Ford (reported by the Committee on Ways and Means):

**MAJORITY** recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Clarke, Fleming, Gaspard, Goltz; Jones, Marsh, Matson, Morrison, Newschwander, Odegaard, Rasmussen, Ridder, Shinpoch, Wojahn.

Passed to Committee on Rules.

## MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 9, 1979.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:

Jack O. Wood, appointed May 1, 1979, for a term ending at the pleasure of the Governor, succeeding Lawrence B. Bradley as Director of the State Energy Office.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Energy and Utilities.

Office of the Governor, April 9, 1979.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following reappointment, subject to your confirmation:

James S. Hogan, reappointed April 5, 1979, for a term ending March 11, 1985, as a member of the Board of Trustees, Central Washington University.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 9, 1979.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADIES AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:

Ida Peterson, appointed April 5, 1979, for a term ending September 30, 1982, succeeding Dee Pedersen as a member of the Board of Trustees, Community College District No. 9.

Sincerely,  
DIXY LEE RAY  
Governor.

Referred to Committee on Higher Education.

### MESSAGES FROM THE HOUSE

April 9, 1979.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1258, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

April 9, 1979.

Mr. President: The House has passed:

SENATE BILL NO. 2015,

ENGROSSED SENATE BILL NO. 2053,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2194,

SUBSTITUTE SENATE BILL NO. 2306, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
VITO T. CHIECHI, Chief Clerk.

April 9, 1979.

Mr. President: The Speakers have signed:

HOUSE BILL NO. 44,

HOUSE BILL NO. 48,

SUBSTITUTE HOUSE BILL NO. 77,  
 SUBSTITUTE HOUSE BILL NO. 97,  
 HOUSE BILL NO. 114,  
 SUBSTITUTE HOUSE BILL NO. 188,  
 HOUSE BILL NO. 691, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

**INTRODUCTION AND FIRST READING**

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1258, by Committee on Institutions (originally sponsored by Representative Kreidler):

Modifying provisions relating to juvenile truancy.  
 Referred to Judiciary Committee.

**SIGNED BY THE PRESIDENT**

The President signed:  
 HOUSE BILL NO. 44,  
 HOUSE BILL NO. 48,  
 SUBSTITUTE HOUSE BILL NO. 77,  
 SUBSTITUTE HOUSE BILL NO. 97,  
 HOUSE BILL NO. 114,  
 SUBSTITUTE HOUSE BILL NO. 188,  
 HOUSE BILL NO. 691.

**MOTIONS**

On motion of Senator Marsh, the Senate advanced to the sixth order of business.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 78.

**SECOND READING**

SUBSTITUTE HOUSE BILL NO. 78, by Committee on Local Government (originally sponsored by Representatives Zimmerman, Garrett, Charnley and Keller) (by House Committee on Local Government of 45th Legislature request):

Relating to special purpose districts.  
 The bill was read the second time by sections.

**MOTIONS**

On motion of Senator Quigg, an amendment beginning on page 9, following line 13 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 78 was advanced to third reading, the second 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. 78 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander,

North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Quigg—1.

Excused: Senators Donohue, Keefe, Sellar—3.

SUBSTITUTE HOUSE BILL NO. 78, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Substitute House Bill No. 298.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, by Committee on Ecology (originally sponsored by Representatives Valle, Chandler, Pruitt and Douthwaite):

Controlling vehicle emissions.

### REPORT OF STANDING COMMITTEE

March 22, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, controlling vehicle emissions (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 30, after "whose" strike "internal"

On page 4, line 19, after "more" strike "persons, including public or private corporations," and insert "individuals, firms, private corporations, associations or partnerships"

On page 4, line 22, after "That" strike "no such station may be utilized for the business of repairing those motor vehicles it has inspected." and insert "no person engaged in the inspection of motor vehicles pursuant to subsection (5) of this section shall perform for compensation repairs on any vehicles."

On page 4, beginning on line 23, after "inspected." strike "The department may not" and insert "No public body may"

On page 4, line 24, after "such" insert "contracted"

On page 6, line 7, after "act." strike the remainder of the section.

On page 6, line 21, after "selling" strike "new and/or"

On page 7, line 27, after "ecology" insert a period and strike the remainder of the sentence.

On page 8, strike all of section 12 and renumber the remaining sections accordingly.

On page 8, line 19, after "10" strike "and sections 12 and 13" and insert ", section 11 (2)(g) and section 12"

On page 8, line 20, after "RCW." insert "Notwithstanding the provisions of chapter 34.04 RCW, any rule implementing and enforcing sections 1 through 10, section 11 (2)(g), and section 12 of this act may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval."

On page 8, line 28, after "enforcing" strike "sections 11 and 13" and insert "section 11, except for section 11 (2)(g)."

On page 9, line 4, after "through" strike "15" and insert "14".

Signed by: Senators Williams, Chairman; Goltz, Guess, Hansen, North, Scott.

The bill was read the second time by sections.

On motion of Senator Williams, the committee amendments were adopted.

### MOTION

On motion of Senator Rasmussen, Engrossed Substitute House Bill No. 298, together with the adopted committee amendments, was ordered held for further consideration Wednesday, April 11, 1979.

### MOTIONS

On motion of Senator Wilson, Senator von Reichbauer was excused.

Senator Marsh moved the Senate commence consideration of Substitute House Bill No. 51.

On motion of Senator Pullen, Substitute House Bill No. 51 was held for further consideration following recess.

At 10:30 a.m., on motion of Senator Walgren, the Senate recessed until 11:47 a.m.

### SECOND MORNING SESSION

The President called the Senate to order at 11:47 a.m.

### MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 860.

On motion of Senator Jones, Senator Gallagher was excused.

### SECOND READING

HOUSE BILL NO. 860, by Representatives Van Dyken, Becker, Charnley, Zimmerman, Sherman, Rosbach and McGinnis:

Revising the guidelines for decisions of boundary review boards.

The bill was read the second time by sections.

Senator Lewis moved adoption of the following amendment by Senators Lewis, Day and Guess:

On page 1, after line 5, insert the following new sections:

"Section 1. Section 9, chapter 189, Laws of 1967 as last amended by section 1, chapter 127, Laws of 1971 ex. sess. and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08-.065; or

(4) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

The board's review of actions under subsections (3) and (4) of this section shall be limited to those instances where a governmental unit affected files a request for review pursuant to RCW 36.93.100(2) as now or hereafter amended.

Sec. 2. Section 10, chapter 189, Laws of 1967 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within sixty days of the filing of a notice of intention:

(1) The chairman or any three members of the boundary review board files a request for review;

(2) Any governmental unit affected files a request for review;

(3) A petition requesting review is filed and is signed by:

(a) ~~((five))~~ Fifteen percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of ~~((five))~~ fifteen percent of the assessed valuation within such area.

If a period of sixty days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

Sec. 3. Section 14, chapter 189, Laws of 1967 and RCW 36.93.140 are each amended to read as follows:

Actions described in RCW 36.93.090 as now or hereafter amended which are pending July 1, 1967, or actions in counties other than class AA or class A which are pending on the date of the creation of a boundary review board therein, shall ~~((not))~~ be ~~((affected))~~ governed by the provisions of this chapter. Actions shall be deemed pending on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

Sec. 4. Section 16, chapter 189, Laws of 1967 as last amended by section 97, chapter 81, Laws of 1971 and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give written notice at least thirty days<sup>(1)</sup> and not more than sixty days in advance ~~((written notice))~~ of the date, time, and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases."

Renumber remaining sections consecutively.

### POINT OF ORDER

Senator Goltz: "Mr. President, I would like to raise the question of scope and object in regard to the amendment."

"Mr. President and members of the Senate, I would like to speak to this Point of Order. This bill, as it was sent over to us from the House, deals with a very narrow consideration of the protection of agricultural lands and puts the agricultural land issue before the boundary review board in making a decision relative to an annexation, and I think for that reason this amendment and maybe the other one are beyond the scope and object of the bill."

### MOTIONS

On motion of Senator Wilson, House Bill No. 860, together with the pending amendment by Senators Lewis, Day and Guess and the Point of Order raised by Senator Goltz, was ordered held for further consideration following the noon recess.

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 962.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 962**, by Committee on Natural Resources (originally sponsored by Representatives Schmitt and Wilson (by Department of Fisheries request):

Revising the laws relating to buy-back of fishing vessels.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment:

On page 2, line 4, after "vessel" insert "PROVIDED FURTHER, That the price paid for licenses shall not be more than the price paid to the state for licenses"

Debate ensued.

### POINT OF INQUIRY

Senator Guess: "Senator Peterson, for a non-fisherman, I need some clarification. Senator Rasmussen has said that a license that originally sold for \$200 is now going for \$12,000 to \$16,000. Is this true?"

Senator Peterson: "No, he inflated my figures somewhat there. I did not say that. The license that sold for \$200 now in some cases on the open market is bringing \$2,000."

Senator Guess: "Why is it that it is up ten times?"

Senator Peterson: "Over and above the price that the state issued the original license for, there are enough people desiring to get into the fisheries that they are willing to pay that price."

Senator Guess: "If a person buys a boat, how is he going to go and earn that money back unless he has a license?"

Senator Peterson: "He does not. That is the purpose of the buy-back program is to get these boats out of the fleet, if I understand your question correctly. That is the purpose of the program is to eliminate licenses and boats out of the fisheries."

Senator Guess: "Then why is there traffic in licenses?"

Senator Peterson: "I suppose it would be just like buying a diesel Rabbit. People are paying \$5,000 more than the dealers got the price on the program for. I do not know that."

"The only thing is, Senator, if the program is going to function as it was designed to do originally and get these vessels out of the fishing fleet, then the only way we can do it is to be somewhere close to the existing market value for them. If that is the market value, certainly it is going to fluctuate, but in order for the state to continue the program, we would have to come somewhere close to providing the incentive for anybody to get rid of their boat or get out of the fishery. Many people want to. Some prefer not to. There is nothing mandatory in here. It is optional if they want to list their boat for sale."

### POINT OF INQUIRY

Senator Guess: "If a person lists his boat and sells his boat, does he automatically give up the license with the boat?"

Senator Peterson: "Yes. He is out of the fishery."

Senator Guess: "Then what becomes of the boat after the state bought it?"

Senator Peterson: "They auction them off."

Senator Guess: "Do they auction it to fishermen or do they auction it to non-fishermen?"

Senator Peterson: "Non-fishermen."

Senator Guess: "It doesn't make sense."

## REMARKS BY SENATOR TALLEY

Senator Talley: "Senator Guess, it is something like the trucking business. You know, the less people in the business, the regulation protects them, the rates and so forth. If they deregulate trucks, what are you going to have? You do not know. It is the same way. We are trying to cut down the number of people fishing and the only way we can cut it down is get rid of those licenses, because once that license is bought and is done with, that man never goes fishing again or he never enters into the fishing business, but as you cut them down, it becomes more attractive to outsiders to try to buy a license from somebody that has a license. The same way with the trucking business. There is no use buying the trucking business if you do not get a license with it. The same way with the fishing business."

## POINT OF INQUIRY

Senator Guess: "Senator Talley, what you are saying is that the buy-back deal creates a monopoly so that the fishing license is worth more money."

Senator Talley: "It creates a monopoly in a way that we are trying to cut down the number of people fishing. It is being over-harvested and if we do not get some control of it, there is no one going to make any money. That is what the theory of the buy-back is, to cut down on the number of fishermen that are out there harvesting those fish."

## POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, I hate to continue this but I now wonder what is the purpose of your amendment? Don't you want a monopoly made?"

Senator Rasmussen: "No, I do not want a monopoly made by the state where they are going to meet the commercial price, the going price, because of the monopoly that state has created, then they are forced to come in with state money or federal money that is allocated to the state to buy these licenses. Now the way the department is doing it by their rule and regulation, they have said 'We are going to meet the price out there on the market.' As Senator Peterson has said, they are going up and up and up, but the reason they are going up too is because—I talked to the fishermen. Immediately they got the offer of the \$2,000 they said 'No, the state will pay me \$2,000. I am going to put it up for sale for \$2,500,' and the next time when the state offers \$2,500 it will go back up again to \$3,000, so that there is no limit."

Senator Guess: "What would your amendment do then?"

Senator Rasmussen: "My amendment would say that in regards to the license, that the state shall only pay for that license the same number of dollars that they paid the state. This week they paid the state \$200 and renewed their license. Next week, under the way the department is operating, they sell that license for \$2,000, a clear profit that they have made on just buying a license. Now as far as taking the boats off the water, that is what they should be using their money for. These poor fishermen that find it hard to make a living, they should buy the boat and the license and reserve the money for that purpose."

## REMARKS BY SENATOR TALLEY

Senator Talley: "Under his theory, Senator, if you had a truck line you could sell your truck line and all you could get out of your operating rights was the license you paid the state each year for it. That is just exactly what it would be. The truck line would be worth nothing only for the price of equipment. We are trying to cut

them down. The truck lines you said you have to sell, all you can get for your operating rights is your fees you pay the state. So that does not make very good sense, does it?"

Senator Guess: "Thank you, Senator."

#### POINT OF INQUIRY

Senator Lysen: "Senator Rasmussen, I think the intent of your amendment has merit that the fishermen should make their money catching fish, not on the trafficking in licensing, but my concern is, if you buy the license and the vessel, so if you freeze the price of the license to what you paid for it, then that will incorporate that into the price of the vessel and that is how they will get around your amendment. I think you have a serious loophole there."

Senator Rasmussen: "No, Senator Lysen. The state hires appraisers and in fact they hire two appraisers and pay them something like \$50,000 a year to appraise the boats. These are regular boat appraisers. Then if the person that they are buying the boat back from, like I had a boat and the state would have it appraised, I would have it appraised, and then if we are not satisfied, they would have a third appraisal made. So that is the value of the boat and that is what the state would be paying, and we spent some two and a half million dollars doing that."

Senator Lysen: "You say the fact that some of these licenses are going for many thousands of dollars now would not be taken into consideration on that? I do not see how it could be avoided."

Senator Rasmussen: "They should not be taken into consideration because they have only paid the state \$200 for the license. We do not want to be trafficking in licenses. We want to be spending that money buying back the boats and helping these fishermen out."

#### REMARKS BY SENATOR PETERSON

Senator Peterson: "Senator Rasmussen, it sounds to me like you made the best argument against your amendment. If we are not in a competitive position to purchase these licenses which forever will be out of the fishery, then there will not be any more out of the fishery, which entirely defeats the purpose. I urge that you not support this."

#### REMARKS BY SENATOR TALLEY

Senator Talley: "Under the last statement, Senator Rasmussen said . . . if we did not get the license, then what the heck do we want to keep buying the old boats for? If a fisherman had an old boat, he would sell it to the state and buy a new boat, if we do not have the license."

Further debate ensued.

The motion by Senator Rasmussen, failed and the amendment was not adopted on a rising vote.

There being no objection, the amendment by Senator Rasmussen on page 2, line 9 on the desk of the Secretary of the Senate was withdrawn.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 962 was advanced to third reading, the second 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. 962 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Guess, Rasmussen—2.

Excused: Senators Bausch, Gallagher, Keefe—3.

SUBSTITUTE HOUSE BILL NO. 962, having received the constitutional 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 12:20 p.m., on motion of Senator Marsh, the Senate recessed until 2:00 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

### SPECIAL ORDER OF BUSINESS SECOND READING

HOUSE BILL NO. 860, by Representatives Van Dyken, Becker, Charnley, Zimmerman, Sherman, Rosbach and McGinnis:

Revising the guidelines for decisions of boundary review boards.

The time having arrived, the Senate resumed consideration of House Bill No. 860, the pending amendment by Senators Lewis, Day and Guess and the Point of Order raised by Senator Goltz.

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Goltz, the President finds that House Bill No. 860 is a measure which deals with factors to be considered by boundary review boards in making their decisions and also with their goals and objectives.

"The amendment proposed by Senators Lewis, Day and Guess deals with the goals and objectives of boundary review boards.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment was ruled in order.

### MOTIONS

On motion of Senator Wilson, Senator von Reichbauer was excused.

On motion of Senator Wilson, the following amendments to the amendment by Senators Lewis, Day and Guess were adopted:

On line 28, strike "Fifteen" and insert "Ten"

On line 38, strike "fifteen" and insert "ten"

The President declared the question before the Senate to be adoption of the amendment by Senators Lewis, Day and Guess as amended by Senator Wilson.

Debate ensued.

Senator North moved the question be divided and section 1 be considered separately.

Debate ensued.

The motion by Senator North carried on a rising vote.

Senator Lewis moved adoption of the following amendment by Senators Lewis, Day and Guess:

On page 1, after line 5, insert the following new sections:

"Section 1. Section 9, chapter 189, Laws of 1967 as last amended by section 1, chapter 127, Laws of 1971 ex. sess. and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08-.065; or

(4) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

The board's review of actions under subsections (3) and (4) of this section shall be limited to those instances where a governmental unit affected files a request for review pursuant to RCW 36.93.100(2) as now or hereafter amended.

Debate ensued.

#### POINT OF INQUIRY

Senator Lee: "Senator Lewis, I have a bit of a question about your intent—well, not just the intent but the actual effect of where you are saying where a governmental unit affected filed. Now you mentioned counties, you have mentioned cities, as governmental units that are affected, and it occurs to me that there probably could be other governmental units that are affected, depending upon what the problem is. If there is a stream involved, it could possibly be a state itself or one of its units, the federal government, for example, if there is land involved in that case. I presume that even though you had mentioned only counties and cities that you, that the wording covers more than just those two. Or even a neighboring county."

Senator Lewis: "Senator, you are correct. It could be a water district and the language does, as you indicate, refer to any governmental unit affected. If any governmental unit affected, including a water district, would request a review by the boundary review board, then the boundary review board would enter into the problem."

Senator Lee: "And it might not necessarily be one that was actually within the boundaries of . . ."

Senator Lewis: "Affected. Those governmental units affected."

Senator Lee: "Directly or indirectly then, I suppose."

Senator Lewis: "The language does not say that. It says where a governmental unit affected files a request for a review."

Senator Lee: "So it could be either. Thank you."

#### POINT OF INQUIRY

Senator North: "Pursuing this question a little bit further, am I correct then that under this amendment a group of citizens could not request a review? It has to be done by a governmental unit?"

Senator Lewis: "On subsection (3) and (4) of this section, it should be limited to those instances where the governmental unit affected files a request for a review. Yes."

Senator North: "So that would effectively shut out a group of citizens then from requesting the review from the boundary review board? You would have to be a governmental unit?"

Senator Lewis: "When any of the following. . . . The board shall review and approve, disapprove or modify any of the actions within sixty days of filing of notice of intention, now ten percent of the registered voters residing within the area which is being considered for the proposed action . . . that is a different section. No, you are correct. It would be the governmental unit affected, the water district, the county or the city or whatever."

Further debate ensued.

### POINT OF INQUIRY

Senator Lewis: "Senator Bottiger, wouldn't the school district or the fire district be a governmental unit and if affected wouldn't that unit be able to request, according to this language, a review?"

Senator Bottiger: "I am not sure, the way I read your governmental unit affected, I am not sure who those people are. If it was broadly interpreted, you could conclude that those people could ask the boundary review board to look at it. If it was narrowly construed, it would be the water and sewer districts referred to in section 3 and 4 which the amendment speaks to in the first line."

Senator Lewis: "Certainly we intended to include counties and cities being able to make such requests as governmental units and that certainly should then include water districts, school districts, any governmental unit affected, would be the only interpretation I could see there so I do not think that would apply in the case you have described."

The President declared the question before the Senate to be adoption of the amendment by Senators Lewis, Day and Guess beginning on page 1, following line 5 inserting new sections.

The motion by Senator Lewis failed on a rising vote.

There being no objection, the remaining amendments by Senators Lewis, Guess and Day were withdrawn.

Senator Marsh moved adoption of the following amendment by Senators Marsh, Matson and Donohue:

On page 2, after line 21 add a subsection as follows:

(10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes bear a reasonable relation to the value of the additional municipal services to be received. This objective shall apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings.

### POINT OF ORDER

Senator Ridder: "Before this bill was held over, I had indicated that I would raise the Point of Order on the scope and object of the amendment."

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Ridder, the President finds that House Bill No. 860 is a measure which deals with factors to be considered by boundary review boards in making their decisions and also with their goals and objectives.

"The amendment proposed by Senators Marsh, Matson and Donohue deals with the goals and objectives of boundary review boards.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment was ruled in order.

Debate ensued.

### MOTION

On motion of Senator Walgren, House Bill No. 860, together with the pending amendment by Senators Marsh, Matson and Donohue, was ordered held for Wednesday, April 11, 1979.

### SECOND READING

HOUSE BILL NO. 307, by Representatives Newhouse and Knowles:  
Revising the criminal code.

### REPORT OF STANDING COMMITTEE

February 28, 1979.

HOUSE BILL NO. 307, revising the criminal code (reported by Committee on Judiciary):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, line 14, after "intruders))" strike "other than a fenced area"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Gallaghan, Hayner, Jones, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

The Secretary of the Senate commenced reading the following amendment by Senators Pullen, Day, Vognild, Sellar, von Reichbauer, Morrison, Conner, Rasmussen, Lewis and Guess:

On page 7, after line 21, insert the following:

"Sec. 14. Section 9A.56.200, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.200 are each amended to read as follows:

(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.

(3) Every person convicted of robbery in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

## POINT OF ORDER

Senator Marsh: "Mr. President, I raise the point of this amendment being beyond the scope and object of the bill. The bill does not have to do with mandatory minimum jail sentences and this amendment does, and therefore I respectfully suggest it is beyond the scope and object of the bill."

Debate ensued.

## RULING BY THE PRESIDENT

President Cherberg: "Senator Pullen, you have convinced the President. The President believes that House Bill 307 is a very broad bill and your amendment is just one more revision. Therefore, the point is not well taken."

The amendment was ruled in order.

## MOTION

Senator Walgren moved that House Bill No. 307, together with the adopted committee amendment and the amendment by Senator Pullen and others, was ordered held for Wednesday, April 11, 1979.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment:

On page 6, after line 5, insert the following:

"Sec. 7. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at (~~thirteen cents per mile each way~~) the rate determined under RCW 43.03.060, the following compensation:

- (1) Grand jurors shall receive (~~ten~~) twenty-five dollars;
- (2) Petit jurors shall receive (~~ten~~) twenty-five dollars;
- (3) Coroner's jurors shall receive (~~ten~~) twenty-five dollars;
- (4) Justice of the peace jurors shall receive (~~ten~~) twenty-five dollars:

PROVIDED, That a person excused from jury service at his own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances.

Sec. 8. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each amended and reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive twenty-five dollars for each day in attendance upon the municipal court, and

in addition thereto shall receive mileage (~~(as provided by law)~~) at the rate determined under RCW 43.03.060. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972."

Renumber the sections consecutively.

#### POINT OF ORDER

Senator Hayner: "Mr. President, I would challenge the scope and object of this amendment. It deals with the amount of money that the jury shall receive. It does not—this bill before us, Substitute House Bill 99 deals entirely with the selection of these prospective jurors, their qualifications and so forth. I think it is totally beyond the scope and object."

Debate ensued.

#### RULING BY THE PRESIDENT

President Cherberg: "The President, in ruling upon the Point of Order presented by Senator Hayner, finds that Substitute House Bill No. 99 is a measure modifying the procedure for the selection of prospective jurors but also includes the provisions excluding jury compensation from being considered as wages subject to contribution and also deals with individuals who receive unemployment compensation and lose their benefits when they serve on juries. The President believes that because of these provisions that the Point of Order is not well taken and that the amendment does not expand the scope and object of the bill."

The amendment was ruled in order.

#### MOTION

On motion of Senator Hayner, Substitute House Bill No. 99, together with the pending amendment by Senator Rasmussen, was ordered held following consideration of the next two bills on today's calendar.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill NO. 2979.

#### SECOND READING

SENATE BILL NO. 2979, by Senator Bottiger:  
Relating to energy.

#### MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2979 was substituted for Senate Bill No. 2979 and the substitute bill was placed on second reading and read the second time in full.

Senator McDermott moved adoption of the following amendment:

On page 1, after the enacting clause, insert the following additional section:

"Section 1. Section 12, chapter 45, Laws of 1970 ex. sess. as last amended by section 10, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.120 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification shall bind the state and each of its departments, agencies, divisions, bureaus, commissions, boards, and political subdivisions, whether a member of the council or not, as to the

approval of the environmental and ecological safeguards relating to the site and the construction and operation of the proposed energy facility.

(2) The certification shall authorize the person named therein to construct and operate the proposed energy facility subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission, board, or political subdivision of this state, whether a member of the council or not."

Remember the sections following consecutively, and correct internal references accordingly.

#### POINT OF INQUIRY

Senator Guess: "Senator McDermott, is this a very nicely couched way of putting more stumbling blocks in the way of the state of Washington having the sufficient energy that we need in the future?"

Senator McDermott: "No, Senator Guess, it is merely to clarify what the role of EFSEC is. When we set it up, we thought we were setting up a siting council that would determine the safest places to build facilities for energy production. We did not think that we were setting up a council that would determine whether there was necessity for it or not. So this is merely to clarify that the environmental and ecological concerns are the ones that are the purpose of this particular agency."

Debate ensued.

#### POINT OF ORDER

Senator Bottiger: "Mr. President, there are two amendments on the floor and I would like to raise the same Point of Order as to scope and object on both of those amendments and speak to the point please.

"Mr. President, if the President will note the language of the bill, the bill pertains to a very, very narrow subject. The subject is a clean air permit. That is all it talks about. Whether or not the EFSEC in granting its certificate is also granting the federal clean air permit.

"This amendment and an amendment I will be offering to clarify the penalty language talks only about a federal clean air permit.

"Now Senator McDermott very expertly has injected in the two amendments he has offered the question of need. The whole certificate policy as to whether there is a need for energy. As I explained in the other caucus, the question of need is a regional question that is addressed in the federal northwest regional power bill that is currently pending before Congress who makes that overall region wide need question. By limiting, and that is what the first amendment does is limit the consideration of EFSEC board to environmental and ecological safeguards, we have left a hole now in where the issue of whether a plant should or should not be built. We have no place to handle it. As I explained in our caucus, currently that is done by the Governor in his signing of the EFSEC permit.

"Speaking to the Point of Order, the amendment therefore takes a bill pertaining to a clean water permit and changes it into a determination of whether or not there is need for electrical power."

#### MOTIONS

At 3:07 p.m., Senator Walgren moved the Senate adjourn until 9:00 a.m., Wednesday, April 11, 1979.

On motion of Senator McDermott, all members names will be added as sponsors to Senate Resolution 1979-69 which will be considered in the Senate on Wednesday, April 11, 1979.

The motion by Senator Walgren carried. The Senate adjourned at 3:10 p.m. until 9:00 a.m., Wednesday, April 11, 1979.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

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**TWENTY-SECOND DAY**


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**MORNING SESSION**


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Senate Chamber, Olympia, Wednesday, April 11, 1979.

The Senate was called to order at 9:00 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 Conner, Donohue, Keefe, Lysen, Newschwander and Rasmussen. On motion of Senator Wilson, Senators Conner, Donohue, Keefe, Lysen and Rasmussen were excused. On motion of Senator Jones, Senator Newschwander was excused.

The Color Guard, consisting of Pages Jane Eisenhower and Robert Ford, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, THE SOURCE OF ALL WISDOM, WE COME TO YOU AT THIS MOMENT BECAUSE WE RECOGNIZE THAT WE ARE NOT ALL-WISE AND ALL-KNOWING. WE EXPERIENCE THE DIFFICULTY OF MAKING DECISIONS IN THE ABSENCE OF COMPLETE UNDERSTANDING, BUT PROBLEMS DEMAND SOLUTIONS, AND ALTERNATIVES DEMAND CHOOSING.

"SO WE ASK YOUR SPECIAL GRACE UPON EACH OF THESE SENATORS HERE THIS DAY. GIVE TO EACH OF THEM THE INSIGHT THEY NEED TO MAKE THESE CHOICES AND DECISIONS IN WAYS THAT EFFECTIVELY MEET THE NEEDS OF OUR STATE AND ITS CITIZENS. AND GIVE THEM COURAGE TO SEEK JUSTICE AND FAIRNESS FOR ALL, EVEN WHEN THAT IS UNPOPULAR. AMEN."

**MOTION**

On motion of Senator Walgren, the reading of the journal of the previous day was dispensed with and it was approved.

**REPORTS OF STANDING COMMITTEES**

April 10, 1979.

ENGROSSED HOUSE BILL NO. 628, authorizing police forces for community colleges and the provision of death or disability provisions for its staff (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Benitz, Guess, Scott, von Reichbauer.

Passed to Committee on Rules for second reading.

April 9, 1979.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 26, amending the Constitution in regard to sectarian influence (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bottiger, Henry, Marsh, Pullen.

Passed to Committee on Rules for second reading.

## MESSAGE FROM THE DEPARTMENT OF NATURAL RESOURCES

April 11, 1979.

## LADIES AND GENTLEMEN OF THE SENATE AND HOUSE:

By action of the Legislature, today is Arbor Day, a time to pause to appreciate the full value of trees and make a special effort to perpetuate this renewable resource which is so valuable to our quality of life.

The custom of celebrating Arbor Day dates back to the fifth century when the people in a small Swiss town instituted a day of tree planting as an annual holiday. In the United States the 100th anniversary of Arbor Day was celebrated in 1972. In Washington in 1957, the Legislature designated the second Wednesday in April as Arbor Day.

In honor of our great forest resource each of you will find a seedling of Western Hemlock, which is our state tree, on your desk. Accompanying the tree are planting instructions and a brochure explaining Arbor Day. Also on your desk is the Arbor Week Proclamation of the Governor. I particularly commend to your attention her listing of benefits which we receive from our valuable forests.

This hemlock seedling was grown in a forest tree nursery owned by the State and operated by the Department of Natural Resources. Each year the state, federal and privately owned forest nurseries of Washington provide over 120 million seedlings to replant on over 150 thousand acres of the forest of the state.

By planting this seedling you affirm the spirit of Arbor Day and further enhance our heritage as the Evergreen State.

## MESSAGE FROM THE GOVERNOR

April 11, 1979.

## A PROCLAMATION BY THE GOVERNOR

WHEREAS, Washington State has been richly endowed with abundant forests which give great beauty to our landscapes, refresh and renew our minds and bodies, and provide the habitat for a rich and abundant wildlife population; and

WHEREAS, Washington's renewable forests provide the raw material to sustain a major segment of our economic and employment base, as well as provide our housing and supply a host of other material needs; and

WHEREAS, Let us pause to appreciate the full value of the trees and make a special effort to perpetuate this resource which is so important to the quality of life of present and future Washington citizens.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the State of Washington, do hereby proclaim the week of April 9-13, 1979, as

## ARBOR WEEK

in Washington State. I urge all citizens to give attention to this observance and support and take part in the protection, development and perpetuation of our forest resources by planting a tree for tomorrow. Take pride in assuring a green future for Washington as "The Evergreen State."

DIXY LEE RAY  
Governor.

## MESSAGES FROM THE HOUSE

April 10, 1979.

Mr. President: The House has passed:  
SUBSTITUTE SENATE BILL NO. 2042,  
SENATE BILL NO. 2131,  
SUBSTITUTE SENATE BILL NO. 2158,

SUBSTITUTE SENATE BILL NO. 2482,  
 REENGROSSED SENATE BILL NO. 2602,  
 ENGROSSED SENATE BILL NO. 2736,  
 SENATE BILL NO. 2925,  
 ENGROSSED SENATE JOINT RESOLUTION NO. 112, and the same are  
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

April 10, 1979.

Mr. President: The House has passed:  
 SUBSTITUTE HOUSE BILL NO. 763,  
 HOUSE BILL NO. 783,  
 SUBSTITUTE HOUSE BILL NO. 1138,  
 HOUSE BILL NO. 1175,  
 HOUSE BILL NO. 1317, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.  
 VITO T. CHIECHI, Chief Clerk.

### INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 763, by Committee on Appropriations  
 (originally sponsored by Representatives Douthwaite, Patterson, Burns and  
 McGinnis):

Authorizing certain higher education employees to select a retirement program.  
 Referred to Committee on Ways and Means.

HOUSE BILL NO. 783, by Representatives Douthwaite, McDonald and Taller  
 (by Department of Retirement Systems request):

Revising laws relating to retirement of state patrol officers.  
 Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1138, by Committee on Revenue (origi-  
 nally sponsored by Representative Sommers):

Pertaining to taxation of coin-operated gaming devices.  
 Referred to Committee on Ways and Means.

HOUSE BILL NO. 1175, by Representative Thompson:  
 Modifying procedures for settling claims against the state.  
 Referred to Committee on Ways and Means.

HOUSE BILL NO. 1317, by Representatives Bond, Nelson (Dick) and  
 Sanders:

Making campers purchased by a nonresident exempt from sales tax.  
 Referred to Committee on Ways and Means.

### SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 2015,  
 SENATE BILL NO. 2053,  
 SUBSTITUTE SENATE BILL NO. 2194,  
 SUBSTITUTE SENATE BILL NO. 2306.

### MOTIONS

On motion of Senator Walgren, the Senate advanced to the sixth order of  
 business.

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 101.

## SECOND READING

ENGROSSED HOUSE BILL NO. 101, by Representative Sanders (by request of the House Committee on Judiciary of the 45th Legislature):

Clarifying laws on negligent driving and racing.

The Senate resumed consideration of Engrossed House Bill No. 101. On Monday, April 9, 1979 the committee amendment, as amended, was adopted.

Senator von Reichbauer moved adoption of the following amendment:

On page 1 of the committee amendment, after line 5, strike the remainder of the amendment, and insert the following:

"NEW SECTION. Section 1. It is the legislative intent in the adoption of this chapter in decriminalizing certain traffic offenses to promote the public safety and welfare on public highways and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions.

NEW SECTION. Sec. 2. Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (7) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (8) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (9) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (10) Chapter 46.29 RCW relating to financial responsibility;
- (11) RCW 46.48.175 relating to the transportation of dangerous articles;
- (12) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (13) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (14) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (15) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (16) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- (17) RCW 46.61.015 relating to obedience to police officers, flagmen, or firefighters;
- (18) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

- (19) Section 5 of this 1979 act relating to failure to stop and give identification to an officer;
- (20) RCW 46.61.500 relating to reckless driving;
- (21) RCW 46.61.506 and 46.61.515 relating to persons under the influence of intoxicating liquor or drugs;
- (22) RCW 46.61.520 relating to negligent homicide by motor vehicle;
- (23) RCW 46.61.525 relating to negligent driving;
- (24) RCW 46.61.530 relating to racing of vehicles on highways;
- (25) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (26) RCW 46.64.020 relating to nonappearance after a written promise;
- (27) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (28) Chapter 46.65 RCW relating to habitual traffic offenders;
- (29) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (30) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (31) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (32) Chapter 46.83 RCW relating to driver's training schools.

NEW SECTION. Sec. 3. (1) A law enforcement officer has the authority to issue a notice of traffic infraction when the infraction is committed in the officer's presence or when the notice of traffic infraction is issued pursuant to RCW 46.64-.017, pertaining to investigation at the scene of a motor vehicle accident.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

NEW SECTION. Sec. 4. There is added to chapter 46.61 RCW a new section to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check the status of the person's license and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself, give his current address, and sign an acknowledgement of receipt of the notice of infraction.

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

Any person who wilfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer or to comply with section 4(3) of this 1979 act, is guilty of a misdemeanor.

NEW SECTION. Sec. 6. (1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in section 2 of this 1979 act may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal or police court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal or police court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

NEW SECTION. Sec. 7. All judges and court commissioners adjudicating traffic infractions shall complete such training requirements as are promulgated by the supreme court.

NEW SECTION. Sec. 8. (1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within seven days or the person's driver's license will not be renewed by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the refusal of the department to renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

NEW SECTION. Sec. 9. (1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within seven days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3)(a) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(b) If any person who has requested a hearing to contest the determination that an infraction has been committed fails to appear without good cause at the time and

place set for the hearing the department may not renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

(4)(a) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(b) If any person who has requested a hearing to explain mitigating circumstances fails to appear without good cause at the time and place set for the hearing, the department may not renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

(5) If any person issued a notice of traffic infraction fails to respond as provided in this section the department may not renew that person's driver's license until any penalties imposed pursuant to this chapter have been satisfied.

**NEW SECTION.** Sec. 10. (1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter.

**NEW SECTION.** Sec. 11. (1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be in the form of a trial de novo in superior court. The person has fourteen calendar days from the date of the court's determination in which to give notice of an appeal. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

**NEW SECTION.** Sec. 12. (1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order.

NEW SECTION. Sec. 13. (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (2) of this section has been paid.

NEW SECTION. Sec. 14. (1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Sec. 15. Section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090 are each amended to read as follows:

A violations bureau may be established by any city or district court having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the court having jurisdiction of traffic cases, specific offenses under city ordinance, county resolution, or state law may be processed by such bureau. Such bureau may be authorized to receive the posting of bail for such specified offenses, and, as authorized by the court order, to accept forfeiture of bail and payment of monetary penalties. The court order shall specify the amount of bail to be posted and shall also specify the circumstances or conditions which will require an appearance before the court. Such bureau, upon accepting the prescribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing him of the legal consequences of bail forfeiture. The bureau shall transfer daily to the clerk of the proper department of the court all bail posted for offenses where forfeiture is not authorized by the court order, as well as copies of all receipts. All forfeitures or penalties paid to a violations bureau for violations of municipal ordinances shall be placed in the city general fund or such other fund as may be prescribed by ordinance. All forfeitures or penalties paid to a violations bureau for violations of state laws or county resolutions shall be remitted at least monthly to the county treasurer for deposit in the current expense fund. Employees of violations bureaus of a city shall be city employees under any applicable municipal civil service system.

Sec. 16. Section 32, chapter 299, Laws of 1961 and RCW 3.42.020 are each amended to read as follows:

Each justice court commissioner shall have such power, authority, and jurisdiction in criminal matters as the justices of the peace who appointed him possess and shall prescribe. Justice court commissioners shall not have power to hear and determine civil matters other than traffic infractions.

Sec. 17. Section 51, chapter 299, Laws of 1961 and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Sec. 18. Section 52, chapter 299, Laws of 1961 and RCW 3.50.030 are each amended to read as follows:

Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses under the city or town ordinance which may be processed by the violations bureau. A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail and payment of penalties. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any criminal traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the city or town or laws of the state of Washington. Any employees of an existing violations bureau of any city shall continue as a city employee.

Sec. 19. Section 77, chapter 299, Laws of 1961 and RCW 3.50.280 are each amended to read as follows:

In all trials for offenses in municipal court, a jury trial shall be allowed only in criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor. No change of venue shall be taken from the municipal court, and the defendant shall not be entitled to file an affidavit of prejudice against any judge of the municipal court.

Sec. 20. Section 112, chapter 299, Laws of 1961 and RCW 3.66.010 are each amended to read as follows:

The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the justice court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the justice court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such justice court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The justice court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW: PROVIDED, That in the trial of actions brought for violating

any city ordinance, a jury trial shall be allowed only for criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor: PROVIDED FURTHER, That no jury trial may be held in a proceeding involving a traffic infraction.

Sec. 21. Section 1, chapter 58, Laws of 1929 and RCW 12.36.010 are each amended to read as follows:

Any person considering himself aggrieved by the judgment or decision of a justice of the peace in a civil action may, in person or by his agent or attorney, appeal therefrom to the superior court of the county where the judgment was rendered or decision made: PROVIDED, There shall be no appeal allowed unless the amount in controversy, exclusive of costs, shall exceed the sum of twenty dollars: PROVIDED FURTHER, That an appeal from the court's determination or order on a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 22. Section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565 are each amended to read as follows:

Any person violating a rule or regulation promulgated in conformity with the provisions of RCW 28B.10.560, shall be guilty of a misdemeanor, and the courts of justice of the peace in the county in which the offense is committed shall have jurisdiction over such offense: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 23. Section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

Sec. 24. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each reenacted and amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. Trial by jury

shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Sec. 25. Section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250 are each amended to read as follows:

The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace, and a judge thereof may sit in preliminary hearings as magistrate. Fines, penalties, and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

Sec. 26. Section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510 are each amended to read as follows:

In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines, penalties, and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

Sec. 27. Section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530 are each amended to read as follows:

All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal: PROVIDED, That an appeal from a court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten days after the judgment was pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his appeal and, within thirty days from the date of entry of judgment, shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten days after the transcript is filed, appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

Sec. 28. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440 are each amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or

which may be held in any house or place where wines or liquors are sold to the participants; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipping houses, dram shops, saloons, bars, and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain, and regulate a common pound for strays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, wash-houses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(15) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(16) Markets: To establish and regulate markets and market places.

(17) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(18) City commons: To provide for and regulate the commons of the city.

(19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(20) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(21) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(22) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(23) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(24) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(25) House numbers: To provide for the numbering of houses.

(26) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(27) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(28) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(30) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or six months' imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

(31) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(32) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(33) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(34) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(35) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(36) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(37) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(38) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(39) Franchises: To permit the use of the streets for railroad or other public service purposes.

(40) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(41) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(43) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(44) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such

works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(45) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(47) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(48) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(49) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(50) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(51) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(52) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(53) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(55) To provide for the general welfare.

Sec. 29. Section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460 are each amended to read as follows:

The police judge so appointed shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance, and pronounce judgment in accordance therewith: **PROVIDED**, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine and imprisonment prescribed by ordinance. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

Sec. 30. Section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470 are each amended to read as follows:

All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: **PROVIDED**, That an appeal from the court's determination or order on a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act. In actions brought before such police judge to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance, and in all other civil actions, the manner of commencing the same, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, shall be as provided in the case of civil actions before justices of the peace.

Sec. 31. Section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530 are each amended to read as follows:

The police justice in addition to his powers as justice of the peace, if he is a justice of the peace shall have exclusive jurisdiction over all offenses defined by any ordinance of the town and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance with full power to forfeit bail, issue executions on bail bonds, and hear and determine all causes, civil or criminal, including traffic infractions, arising under any ordinance and pronounce judgment in accordance therewith: **PROVIDED**, That for the violation of a criminal ordinance no greater punishment shall be imposed than the fine or imprisonment or both such fine or imprisonment prescribed by ordinance.

Sec. 32. Section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540 are each amended to read as follows:

In actions brought before the police justice to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance and in all other civil actions, the manner of commencing them, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment shall be as provided in the case of civil actions before justices of the peace.

In the trial of actions brought for violations of town ordinances no jury shall be allowed and no change of venue shall be allowed from the police judge.

All civil and criminal proceedings before a police justice and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: **PROVIDED**, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 33. Section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040 are each amended to read as follows:

The police judge, in addition to powers he may have as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with section 11(5) of this 1979 act.

Sec. 34. Section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080 are each amended to read as follows:

In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines, penalties, and forfeitures paid to, such police judge shall belong to and be paid over by him, weekly, to the city.

Sec. 35. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: **PROVIDED**, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: **PROVIDED FURTHER**, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office three copies of such codes and compilations ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 36. Section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68.080 are each amended to read as follows:

Any person violating any rules or regulations adopted by the board of county commissioners relating to parks, playgrounds, or other recreational facilities shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 37. Section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69.180 are each amended to read as follows:

The violation of any of the rules or regulations of a park and recreation district adopted by its board for the preservation of order, control of traffic, protection of life or property, or for the regulation of the use of park property shall constitute a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 38. Section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43.30.310 are each amended to read as follows:

For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.04 RCW, issue, promulgate, adopt, and enforce rules and regulations pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule or regulation adopted under this section shall constitute a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

The commissioner of public lands and such of his employees as he may designate shall be vested with police powers when enforcing:

(1) The rules and regulations of the department adopted under this section; or

(2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

Sec. 39. Section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 124, chapter 158, Laws of 1979 and RCW 46.01.230 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle ((shall)) may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) ~~((Any person shall be guilty of a misdemeanor who shall))~~ It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified by certified mail that such certificate, license, or permit has been canceled pursuant to this section.

Sec. 40. Section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170 are each amended to read as follows:

Any violation of a rule or regulation prescribed under RCW 46.08.150 ~~((shall be punishable as))~~ is a ((misdemeanor)) traffic infraction, and the courts of justices of the peace in Thurston county shall have jurisdiction over such offenses: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 41. Section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120 are each amended to read as follows:

(1) It (~~shall be unlawful~~) is a traffic infraction for any person to operate any nonhighway vehicle:

~~((1))~~ While under the influence of intoxicating liquor or a controlled substance;  
~~(2))~~ (a) In such a manner as to endanger the property of another;

~~((3))~~ (b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

~~((4))~~ (c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

~~((5))~~ (d) Without a spark arrester approved by the department of natural resources;

~~((6))~~ (e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

~~((a))~~ (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

~~((b))~~ (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

~~((c))~~ (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

~~((7))~~ (f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

~~((8))~~ (g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

~~((9))~~ (h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and

~~((10))~~ (i) On any public lands in violation of rules and regulations of the agency administering such lands.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

Sec. 42. Section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190 are each amended to read as follows:

(1) Except as provided in RCW 46.09.120(2) and 46.09.130 as now or hereafter amended, (~~any person violating~~) violation of the provisions of this chapter (~~shall be guilty of a misdemeanor and subject to a fine~~) is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

Sec. 43. Section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090 are each amended to read as follows:

(1) It ~~((shall be unlawful))~~ is a traffic infraction for any person to operate any snowmobile:

~~((1))~~ (a) 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))~~ (b) In a manner so as to endanger the ~~((person or))~~ property of another.

~~((4))~~ (c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

~~((5))~~ (d) Without an adequate braking device which may be operated either by hand or foot.

~~((6))~~ (e) 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))~~ (f) 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))~~ (g) 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))~~ (h) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

Sec. 44. Section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.090(2) and 46.10.130, any ~~((person violating))~~ violation of the provisions of this chapter ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction: 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.

Sec. 45. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard, or dairy products from point of production to market or warehouse, and of supplies to be used on his farm: PROVIDED, That fish and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard, or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

~~((Any person who operates))~~ Operation of such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section ~~((shall be guilty of a misdemeanor))~~ is a traffic infraction.

Sec. 46. Section 46.16.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1979 and RCW 46.16.135 are each amended to read as follows:

Tonnage for any vehicle or combination of vehicles having a declared gross weight of twelve thousand pounds or more may be purchased for any full registration month or months at one-twelfth of the usual annual tonnage fee multiplied by the number of full months for which tonnage is purchased. An additional fee of two dollars shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

~~((Any person who operates))~~ Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly tonnage license, is ~~((guilty of a misdemeanor))~~ a traffic infraction, and in addition the person shall be required to purchase a tonnage license for the vehicle involved at the fee covering an entire registration year's operation thereof, less the fees for any registration month or months of the registration year already paid. If, within five days, no tonnage license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 47. Section 46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140 are each amended to read as follows:

It is a traffic infraction for any person ~~((who))~~ to operate ~~((s))~~, or cause ~~((s))~~, permit ~~((s))~~, or suffer ~~((s))~~ to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with

a maximum gross weight, in excess of that for which the vehicle is licensed (~~(shall be guilty of a misdemeanor)~~).

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight, and any (~~such person who fails~~) failure to secure such new license (~~(shall be guilty of a misdemeanor)~~) is a traffic infraction: PROVIDED, That this section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: PROVIDED FURTHER, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: PROVIDED FURTHER, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law.

Sec. 48. Section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145 are each amended to read as follows:

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first (~~(conviction)~~) offense, pay a (~~(fine)~~) penalty of not less than twenty-five dollars nor more than fifty dollars; upon a second (~~(conviction)~~) offense pay a (~~(fine)~~) penalty of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent (~~(conviction)~~) offense pay a (~~(fine)~~) penalty of not less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

Sec. 49. Section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.350, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his call letter license plate. Failure to do so (~~(will constitute a gross misdemeanor)~~) is a traffic infraction.

Sec. 50. Section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380 are each amended to read as follows:

Any person who shall submit satisfactory proof to the director that he or she has lost both of his or her lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair or who has lost both hands, shall be entitled to receive a special card to be left in a vehicle in a conspicuous place, bearing distinguishing marks, letters or numerals indicating that the vehicle is being used to transport such a privileged person. 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. Application for renewal, except for the permanently disabled who shall be issued a permanent card, must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special card and decal. No additional fees shall be charged for the issuance of such special card and decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing card and decal (~~shall constitute a gross misdemeanor~~) is a traffic infraction.

Sec. 51. Section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585 are each amended to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so (~~shall be a misdemeanor~~) is a traffic infraction.

Sec. 52. Section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595 are each amended to read as follows:

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates (~~shall constitute a misdemeanor~~) is a traffic infraction.

Sec. 53. Section 5, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 61, Laws of 1979 and RCW 46.20.041 are each amended to read as follows:

(1) The department shall permit any person suffering from any physical or mental disability or disease which may affect that person's ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he or she is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department. The certificate shall be for the confidential use of the director and the chief of the Washington state patrol and for such other cognizant public officials as may be designated by law. It shall be exempt from public inspection and copying notwithstanding the provisions of chapter 42.17 RCW. The certificate may not be offered as evidence in any court except when appeal is taken from the order of the director suspending, revoking, canceling, or refusing a vehicle driver's license.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle

which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a (~~misdemeanor~~) traffic infraction for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

Sec. 54. Section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171 are each amended to read as follows:

(1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions and findings that a traffic infraction has been committed received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the licensee's convictions (~~(of such license)~~), the findings that he has committed a traffic infraction, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

Sec. 55. Section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190 are each amended to read as follows:

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense.

Sec. 56. Section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215 are each amended to read as follows:

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security.

(3) The department shall, upon receiving a record of the commission of a traffic infraction in this state by a nonresident driver of a motor vehicle, forward a report of the traffic infraction to the motor vehicle administrator in the state where the

person who committed the infraction resides. The report shall clearly identify the person found to have committed the infraction; describe the infraction, specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether the determination that an infraction was committed was contested or whether the individual failed to respond to the notice of infraction.

Sec. 57. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 7, chapter 61, Laws of 1979 and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, ((or)) a payment of a fine or penalty, ((or)) a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing ((or)), stopping, parking, and pedestrian offenses.

(3) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(4) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty

made pursuant to section 9(2) of this 1979 act is deemed equivalent to such a finding.

Sec. 58. Section 1, chapter 1, Laws of 1969 as last amended by section 151, chapter 158, Laws of 1979 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only: PROVIDED, That if an individual is under arrest for the crime of negligent homicide by motor vehicle as provided in RCW 46.61.520, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.506, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. In such circumstances, the provisions of subsections (2) through (6) of this section shall not apply.

(2) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal

hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction which is a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege, or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Sec. 59. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308 as now or hereafter amended, and in all other revocation cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

Sec. 60. Section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: **PROVIDED**, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department. Such referee or hearing board may be authorized by the director to make final determinations regarding the issuance, denial, or suspension, or revocation of a license.

Sec. 61. Section 2, chapter 27, Laws of 1969 and RCW 46.20.342 are each amended to read as follows:

(1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor: **PROVIDED**, That the offenses described in RCW 46.20.021 and 46.20.190, as now or hereafter amended, are lesser included offenses within the offense described by this section. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 62. Section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050 are each amended to read as follows:

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally

parked or moving, and; whether such vehicles were occupied at the time of the accident; and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department(;;); and reference to any findings that the person has committed a traffic infraction which have been reported to the department; and a record of any vehicles registered in the name of such person. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

Sec. 63. Section 28, chapter 169, Laws of 1963 and RCW 46.29.280 are each amended to read as follows:

Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction ((or)), forfeiture of bail, or finding that a traffic infraction has been committed, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

Sec. 64. Section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300 are each amended to read as follows:

Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction ((or)), forfeiture of bail, or finding that a traffic infraction has been committed such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

Sec. 65. Section 60, chapter 169, Laws of 1963 and RCW 46.29.600 are each amended to read as follows:

(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction ((or)), forfeiture of bail, or finding that a traffic infraction has been committed which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such

injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

Sec. 66. Section 46.32.010, chapter 12, Laws of 1961 as last amended by section 156, chapter 158, Laws of 1979 and RCW 46.32.010 are each amended to read as follows:

The chief of the Washington state patrol is hereby empowered to constitute, erect, operate, and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker, or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it ~~((shall be a gross misdemeanor))~~ is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

It is a traffic infraction for any person ((who)) to refuse((s)) to have his motor vehicle examined, or, after having had it examined, to refuse((s)) to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or ((who)) to fraudulently obtain((s)) a certificate of approval, or ((who)) to refuse((s)) to place his motor vehicle in proper condition after having had the same examined, or ((who)) to, in any manner, fail((s)) to conform to the provisions of this chapter(~~(, shall be guilty of a gross misdemeanor))~~).

It is a traffic infraction for any person ((who)) to perform((s)) false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle(~~(, shall be guilty of a gross misdemeanor))~~).

Sec. 67. Section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32.050 are each amended to read as follows:

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, while in or about

any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

~~((Any person violating any))~~ Violation of the provisions of this section ~~((shall be guilty of a gross misdemeanor))~~ is a traffic infraction.

Sec. 68. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a ~~((misdemeanor))~~ traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the state commission on equipment, or which is equipped in any manner in violation of this chapter or the commission's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the commission's regulations.

(2) Nothing contained in this chapter or the commission's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the commission's regulations.

(3) The provisions of the chapter and the commission's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a ~~((misdemeanor))~~ traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the commission on equipment as prescribed in RCW 46.37.005 unless it has been approved by the state commission on equipment.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 69. Section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37.188 are each amended to read as follows:

Every violation of RCW 46.37.184, 46.37.185, 46.37.186, or 46.37.187 is a ~~((misdemeanor))~~ traffic infraction.

Sec. 70. Section 1, chapter 77, Laws of 1971 and RCW 46.37.423 are each amended to read as follows:

No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

It is a traffic infraction for any person, firm, or corporation ~~((who shall))~~ to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section ~~((shall be guilty of a misdemeanor))~~ unless such

tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

Sec. 71. Section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424 are each amended to read as follows:

No person, firm, or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 569— regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

It is a traffic infraction for any person, firm, or corporation ((who shall)) to sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section ((shall be guilty of a misdemeanor)) unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

Sec. 72. Section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than  $\frac{2}{32}$  of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use" ( (; ) ) or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall

cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person (~~(operating)~~) to operate a vehicle on the public highways of this state, or (~~(selling)~~) to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder (~~(shall be guilty of a misdemeanor)~~): PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 73. Section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.047 are each amended to read as follows:

A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the (~~(state highway commission)~~) department of transportation valid only on state primary or secondary highways authorized by the (~~(state highway commission)~~) department and under such rules, regulations, terms, and conditions prescribed by the (~~(state highway commission)~~) department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third (~~(conviction)~~) offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the (~~(highway commission)~~) department issues a duplicate permit to replace a lost or destroyed permit and where the (~~(highway commission)~~) department transfers a permit, a fee of five dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the (~~(state highway)~~) department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the (~~(board of)~~) county (commissioners) legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by

amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or ~~((board of))~~ the county ((commissioners)) legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the ~~((state highway commission))~~ department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. 74. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105 are each amended to read as follows:

(1) ~~((Any person violating))~~ Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or ((who fails)) failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or ((misrepresents)) misrepresentation of the size or weight of any load or ((does not)) failure to follow the requirements and conditions of a permit issued hereunder ((shall be guilty of a misdemeanor)) is a traffic infraction, and upon the first ((conviction)) finding thereof shall be ((fined)) assessed a basic ((fine)) penalty of not less than fifty dollars; and upon second ((conviction)) finding thereof shall be ((fined)) assessed a basic ((fine)) penalty of not less than seventy-five dollars; and upon a third or subsequent ((conviction)) finding shall be ((fined)) assessed a basic ((fine)) penalty of not less than one hundred dollars.

(2) In addition to the ~~((fines levied))~~ penalties imposed in subsection (1) of this section any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be ~~((fined))~~ assessed three cents for each pound of excess weight: PROVIDED, That upon a first violation in any calendar year, the court may suspend the ~~((fine))~~ penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case shall the basic ~~((fine levied))~~ penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve month period, the court shall suspend the certificate of license registration for not less than thirty days. ~~((For purposes of this section, bail forfeiture shall be given the same effect as a conviction.))~~ Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person ~~((convicted of violating))~~ found to have violated any posted limitations of a highway or section of highway shall be ~~((fined))~~ assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public

scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing shall be unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional ~~((fines))~~ penalties as provided by subsection (2) of this section, "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) The basic ~~((fine))~~ penalty provided in subsection (1) of this section shall be distributed as prescribed in RCW 46.68.050: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. For the purpose of computing the basic ~~((fines))~~ penalties and additional ~~((fines))~~ penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve month period under the same ownership.

(9) The additional ~~((fine))~~ penalty for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as it now exists or is later amended. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 as now or hereafter amended.

(10) Any state patrol officer or any weight control officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated, and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third ~~((conviction))~~ finding within a calendar year ~~((for))~~ of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as

now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of ~~((highways, and for the purposes of this section bail forfeiture shall be considered to be a conviction))~~ transportation. The vehicle covered by such canceled permit shall not be eligible for a new permit for a period of thirty days.

(11) For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

The chief of the state patrol, with the advice of the ~~((state highway commission))~~ department, may adopt reasonable rules to aid in the enforcement of the provisions of this section.

Sec. 75. Section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-76 2nd ex. sess. and RCW 46.44.130 are each amended to read as follows:

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed, and at a time of day in accordance with rules hereby authorized to be adopted by the ~~((highway commission))~~ department of transportation and the statutes. Violation of a rule adopted by the ~~((highway commission))~~ department as authorized by this section or a term of this section is a ~~((misdemeanor))~~ traffic infraction.

Sec. 76. Section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.140 are each amended to read as follows:

In addition to any other special permits authorized by law, special permits may be issued by the ~~((highway commission))~~ department of transportation for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the ~~((highway commission))~~ department for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the ~~((highway commission))~~ department.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The ~~((highway commission))~~ department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the ~~((highway commission))~~ department as authorized by this section or a term of this section is a ~~((misdemeanor))~~ traffic infraction.

Sec. 77. Section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.175 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and ~~((who fails))~~ failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is ~~((guilty of a misdemeanor and shall be fined))~~ a traffic infraction for which a penalty of not less than fifty dollars or more than one hundred

dollars shall be assessed. In addition to the above ((~~fine~~)) penalty, the ((~~highway commission~~)) department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the ((~~highway commission~~)) department of transportation or the local authority having jurisdiction. The ((~~commission~~)) department or the local authority after such hearing may revise its previous action.

Sec. 78. Section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52.010 are each amended to read as follows:

The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a misdemeanor.

Sec. 79. Section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section; every such stop shall be made without obstructing traffic more than is necessary;

(3) Unless otherwise provided in subsection (6) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address, and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall be guilty of a gross misdemeanor and, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) 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;

(6) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 80. Section 46.52.100, chapter 12, Laws of 1961 as last amended by section 163, chapter 158, Laws of 1979 and RCW 46.52.100 are each amended to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine ((~~or~~)), forfeiture, or penalty resulting from every said traffic complaint ((~~or~~)), citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction ((~~or~~)), forfeiture of bail (~~(of a person upon a charge of violating)~~), or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had ((~~or~~)), bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case (~~(in which said person was so convicted or forfeited bail)~~), which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any ((~~conviction~~)) finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, ((~~or~~)) whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine ((~~or~~)), forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 81. Section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter 158, Laws of 1979 and RCW 46.52.110 are each amended to read as follows:

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables, and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen ((shall be guilty of a misdemeanor unless he shall)) to report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen is a traffic infraction.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index((--))." He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol, and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licensing as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall

immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol, and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator.

Sec. 82. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120 are each amended to read as follows:

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions and findings of traffic infractions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. The case record shall be maintained in two parts. One part shall be the employment driving record of the person which shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another ((and)), all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another, and all findings that the person has committed a traffic infraction while the person is driving a commercial motor vehicle as an employee of another. The other part shall include all other accidents ((and)), convictions, and findings that the person has committed a traffic infraction. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

Sec. 83. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than three years last past, and such abstract whenever possible, shall include an enumeration of motor vehicle accidents in which such person was involved; the total number of vehicles involved; whether the vehicles were legally

parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions ~~((or)),~~ forfeitures of bail, or findings that an infraction was committed based upon a violation of ((such person upon a charge of violating)) any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon such person by an arresting officer.

The abstract herein provided to an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction ~~((of))~~ or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: **PROVIDED**, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: **PROVIDED FURTHER**, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

Sec. 84. Section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500 are each amended to read as follows:

(1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

Sec. 85. Section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32, Laws of 1967 and RCW 46.61.525 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle in a negligent manner ~~((over and along the public highways of this state))~~. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle ~~((upon the public highways of this state))~~ in such a manner as to endanger or be likely to endanger any persons or property: **PROVIDED HOWEVER**, That any person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent shall not be guilty of negligent driving.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: PROVIDED, That the director ((shall)) may not revoke any license under this section, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.

Sec. 86. Section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61.535 are each amended to read as follows:

It shall be unlawful for any manufacturer, dealer, distributor, or any person, firm, or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. ~~((Conviction for a))~~ Violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

Sec. 87. Section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61.665 are each amended to read as follows:

It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. ~~((Any person so doing shall be deemed guilty))~~ Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

Sec. 88. Section 1, chapter 151, Laws of 1961 and RCW 46.61.680 are each amended to read as follows:

It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

~~((Any person violating))~~ Violation of the provisions of this section ((shall be guilty of a misdemeanor)) is a traffic infraction.

Sec. 89. Section 1, chapter 259, Laws of 1961 and RCW 46.61.690 are each amended to read as follows:

Any person who operates a motor vehicle over a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the ~~((Washington toll bridge authority))~~ department of transportation, or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, ~~((shall be guilty of a misdemeanor))~~ commits a traffic infraction if:

(1) He refuses to pay, evades, or attempts to evade the payment of such tolls, or ~~((who shall))~~ uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) He turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) He refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

Sec. 90. Section 79, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.750 are each amended to read as follows:

(1) It is a (~~misdemeanor~~) traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 91. Section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050 are each amended to read as follows:

It (~~shall be a misdemeanor~~) is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony, a gross misdemeanor, or a (~~violation~~) misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

Sec. 92. Section 4, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 62, Laws of 1979 and RCW 46.65.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or findings that the person committed a traffic infraction as defined in RCW 46.20.270 as now or hereafter amended, or, if a minor, shall have violations recorded with the department of licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five-year period, as evidenced by the records maintained in the department of licensing: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520;

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs;

(c) Driving a motor vehicle while his or her license, permit, or privilege to drive has been suspended or revoked;

(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020 as now or hereafter amended; or

(e) Reckless driving as defined in RCW 46.61.500 as now or hereafter amended;

(2) Twenty or more convictions or findings that the person committed a traffic infraction for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of licensing other than the offenses of driving with an expired driver's license and not having a driver's license in the operator's immediate possession. Such convictions or findings shall include those for offenses enumerated in subsection (1) above when

taken with and added to those offenses described herein but shall not include convictions or findings for any nonmoving violation. No person (~~(shall)~~) may be considered an habitual offender under this subsection unless at least three convictions have occurred within the three hundred sixty-five days immediately preceding the last conviction.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

Sec. 93. Section 5, chapter 284, Laws of 1971 ex. sess. as amended by section 2, chapter 62, Laws of 1979 and RCW 46.65.030 are each amended to read as follows:

The director of the department of licensing shall certify three transcripts or abstracts of the (~~(conviction)~~) record of convictions and findings of traffic infractions as maintained by the department of licensing of any person whose record brings him or her within the definition of an habitual offender, as defined in RCW 46.65.020, to the hearing officer appointed in the event a hearing is requested. Such transcript or abstract may be admitted as evidence in any hearing or court proceeding and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he or she shall have the burden of proving that such fact is untrue.

Sec. 94. Section 46.76.080, chapter 12, Laws of 1961 and RCW 46.76.080 are each amended to read as follows:

The violation of any provision of this chapter (~~(shall be a misdemeanor)~~) is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation.

Sec. 95. Section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030 are each amended to read as follows:

There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the penalty, fine, or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine or penalty is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total penalty, fine, or bail forfeited for all offenses.

Notwithstanding, the provisions contained in chapters 3.62 and 3.16 RCW, or any other section, all moneys derived from penalty assessments made under this section shall be forwarded to the traffic safety education account of the general fund of the state treasury and shall be used exclusively for traffic safety education.

Where a fine or penalty is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine or penalty actually imposed.

Sec. 96. Section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83.060 are each amended to read as follows:

Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or

order. Failure so to do, unless for good cause shown by clear and convincing evidence, (~~shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction~~) is a traffic infraction.

Sec. 97. Section 25, chapter 106, Laws of 1963 and RCW 46.85.250 are each amended to read as follows:

Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by, or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

Every violation of this section (~~shall be punishable as a misdemeanor~~) is a traffic infraction, and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director.

Sec. 98. Section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.345 are each amended to read as follows:

It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen (~~shall be guilty of a misdemeanor unless he shall~~) to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a registered disposer.

Sec. 99. Section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.560 are each amended to read as follows:

(~~Every person convicted of a~~) Violation of any provision of RCW 46.90.500 through 46.90.540 (~~shall be guilty of a misdemeanor~~) is a traffic infraction.

Sec. 100. Section 31, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.030 are each amended to read as follows:

Any person violating RCW 47.38.020 or any rule or regulation adopted or promulgated pursuant to RCW 47.38.020 above shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 101. Section 1, chapter 38, Laws of 1961 and RCW 53.08.220 are each amended to read as follows:

A port district may formulate all needful regulations for the use by tenants, agents, servants, licensees, invitees, suppliers, passengers, customers, shippers, business visitors, and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment, or repeal of such regulations as part of the ordinances of the city or town in which such properties or facilities are situated, or as part of the resolutions of the county, if such properties or facilities be situated outside any city or town. The port commission shall make such request by resolution after holding a public hearing on the proposed regulations, of which at least ten days' notice shall be published in a legal newspaper of general circulation in the port district. Such regulations must conform to and be consistent with federal and state law. As to properties or facilities situated within a city or town, such regulations must conform to and be consistent with the ordinances of the city or town. As to properties or facilities situated outside any city or town, such

regulations must conform to and be consistent with county resolutions. Upon receiving such request, the governing body of the city, town, or county, as the case may be, may adopt such regulations as part of its ordinances or resolutions, or amend or repeal such regulations in accordance with the terms of the request. Any violation of such regulations shall constitute a misdemeanor which shall be redressed in the same manner as other police regulations of the city, town, or county, and it shall be the duty of all law enforcement officers to enforce such regulations accordingly: PROVIDED, That violation of a regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 102. Section 32, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.130 are each amended to read as follows:

Any person who shall wilfully fail to comply with the rules, regulations, and conditions set forth in this chapter or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor: PROVIDED, That violation of a rule, regulation, or condition relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule, regulation, or condition equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

Sec. 103. Section 4, chapter 67, Laws of 1921 as amended by section 3, chapter 143, Laws of 1923 and RCW 76.04.480 are each amended to read as follows:

Any person violating or failing to comply with any rules or regulations of the ~~((director of conservation and development through and by means of the division of forestry,))~~ department of natural resources made under the provisions of ~~((this act))~~ RCW 76.04.460, shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act remains a misdemeanor.

Sec. 104. Section 81.68.080, chapter 14, Laws of 1961 and RCW 81.68.080 are each amended to read as follows:

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement, or any part of provision thereof, is guilty of a gross misdemeanor and punishable as such: PROVIDED, That violation of an order, decision, rule or regulation, direction, demand, or requirement relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, decision, rule or regulation, direction, demand, or requirement equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

Sec. 105. Section 18, chapter 150, Laws of 1965 and RCW 81.70.170 are each amended to read as follows:

Every person who knowingly or wilfully violates or fails to comply with or who knowingly or wilfully procures, aids, or abets in the violation of any provisions of this chapter or who knowingly or wilfully fails to obey or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission or any part or provisions thereof is guilty of a gross misdemeanor: PROVIDED, That violation of an order, decision, rule, regulation, direction, demand, or requirement relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, decision, rule, regulation, direction, demand, or requirement equivalent to those provisions of Title 46 RCW set forth in section 2 of this 1979 act is a misdemeanor.

NEW SECTION. Sec. 106. Sections 1 through 3 and 6 through 14 of this 1979 act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 107. Section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010 are each repealed.

NEW SECTION. Sec. 108. 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. 109. The provisions of this act shall take effect on July 1, 1980, and shall apply to violations of the traffic laws committed on or after July 1, 1980."

On motion of Senator Marsh, the following amendments to the amendment by Senator von Reichbauer were adopted:

On page 2, after line 18, insert "(6) RCW 46.20.021 relating to driving without a valid driver's license;"

Renumber the remaining subsections consecutively

On page 63, after line 22, insert the following:

"Sec. 53. Section 2, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.021 are each amended to read as follows:

(1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this chapter. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time. Violation of the provisions of this section is a misdemeanor.

(2) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations."

Renumber the remaining sections consecutively

On page 120 of the Senate Amendment, after line 39, insert the following additional section:

"Sec. 86. Section 46.48.050, chapter 12, Laws of 1961 and RCW 46.61.530 are each amended to read as follows:

No person or persons (~~shall~~) may race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons (~~(guilty of comparing or contesting)~~) who wilfully compare or contest relative speeds by (~~(simultaneous)~~) operation(~~(s)~~) of one or more motor vehicles shall be guilty of racing, which shall constitute reckless driving under RCW 46.61.500, whether or not such speed is in excess of the maximum speed prescribed by law: PROVIDED HOWEVER, That any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing."

Renumber the sections following consecutively, and correct internal references accordingly.

Senator Pullen moved adoption of the following amendment to the amendment by Senator von Reichbauer:

On page 10, line 32, after "jury" and before the period insert "unless a trial by jury is demanded in accordance with Article 1, Section 21 of the Washington State Constitution"

Debate ensued.

The motion by Senator Pullen failed and the amendment to the amendment was not adopted.

The motion by Senator von Reichbauer carried and the amendment, as amended, was adopted.

Senator Marsh moved adoption of the following amendment by Senator von Reichbauer to the title:

On page 141 of the committee amendment, beginning with line 12, strike the title amendment in its entirety, and insert the following:

"In line 1 of the title, after "Relating to" strike the remainder of the title, and insert "motor vehicle offenses; amending section 9, chapter 299, Laws of 1961 as amended by section 4, chapter 73, Laws of 1971 and RCW 3.30.090; amending section 32, chapter 299, Laws of 1961 and RCW 3.42.020; amending section 51, chapter 299, Laws of 1961 and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 and RCW 3.50.030; amending section 77, chapter 299, Laws of 1961 and RCW 3.50.280; amending section 112, chapter 299, Laws of 1961 and RCW 3.66.010; amending section 1, chapter 58, Laws of 1929 and RCW 12.36.010; amending section 28B.10.565, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.565; amending section 35.20.030, chapter 7, Laws of 1965 and RCW 35.20.030; reenacting and amending section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090; amending section 35.20.250, chapter 7, Laws of 1965 as amended by section 7, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.250; amending section 35.22.510, chapter 7, Laws of 1965 and RCW 35.22.510; amending section 35.22.530, chapter 7, Laws of 1965 and RCW 35.22.530; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 21, chapter 316, Laws of 1977 ex. sess. and RCW 35.23.440; amending section 35.24.460, chapter 7, Laws of 1965 as last amended by section 12, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.460; amending section 35.24.470, chapter 7, Laws of 1965 as amended by section 13, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.470; amending section 35.27.530, chapter 7, Laws of 1965 as amended by section 17, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.530; amending section 35.27.540, chapter 7, Laws of 1965 as amended by section 18, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.540; amending section 35A.20.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.040; amending section 35A.20.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.080; amending section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 216, Laws of 1975 1st ex. sess. and RCW 36.32.120; amending section 36.68.080, chapter 4, Laws of 1963 and RCW 36.68.080; amending section 36.69.180, chapter 4, Laws of 1963 and RCW 36.69.180; amending section 1, chapter 160, Laws of 1969 ex. sess. and RCW 43.30.310; amending section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 124, chapter 158, Laws of 1979 and RCW 46.01.230; amending section 46.08.170, chapter 12, Laws of 1961 as amended by section 2, chapter 158, Laws of 1963 and RCW 46.08.170; amending section 17, chapter 47, Laws of 1971 ex. sess. as last amended by section 10, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.120; amending section 24, chapter 47, Laws of 1971 ex. sess. as last amended by section 16, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.190; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 46.16.090, chapter 12, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1977 and RCW 46.16.090; amending section 46.16.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1979 and RCW 46.16.135; amending section

46.16.140, chapter 12, Laws of 1961 and RCW 46.16.140; amending section 46.16.145, chapter 12, Laws of 1961 as amended by section 5, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.145; amending section 46.16.350, chapter 12, Laws of 1961 as amended by section 24, chapter 32, Laws of 1967 and RCW 46.16.350; amending section 1, chapter 128, Laws of 1961 as last amended by section 1, chapter 102, Laws of 1975-'76 2nd ex. sess. and RCW 46.16.380; amending section 7, chapter 200, Laws of 1973 1st ex. sess. as amended by section 4, chapter 59, Laws of 1975 and RCW 46.16.585; amending section 9, chapter 200, Laws of 1973 1st ex. sess. as amended by section 6, chapter 59, Laws of 1975 and RCW 46.16.595; amending section 5, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 61, Laws of 1979 and RCW 46.20.041; amending section 19, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.171; amending section 46.20.190, chapter 12, Laws of 1961 as amended by section 15, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.190; amending section 21, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.215; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 7, chapter 61, Laws of 1979 and RCW 46.20.270; amending section 1, chapter 1, Laws of 1969 as last amended by section 151, chapter 158, Laws of 1979 and RCW 46.20.308; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311; amending section 36, chapter 121, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1972 ex. sess. and RCW 46.20.329; amending section 2, chapter 27, Laws of 1969 and RCW 46.20.342; amending section 5, chapter 169, Laws of 1963 as last amended by section 1, chapter 40, Laws of 1969 ex. sess. and RCW 46.29.050; amending section 28, chapter 169, Laws of 1963 and RCW 46.29.280; amending section 30, chapter 169, Laws of 1963 as amended by section 39, chapter 32, Laws of 1967 and RCW 46.29.300; amending section 60, chapter 169, Laws of 1963 and RCW 46.29.600; amending section 46.32.010, chapter 12, Laws of 1961 as last amended by section 156, chapter 158, Laws of 1979 and RCW 46.32.010; amending section 46.32.050, chapter 12, Laws of 1961 and RCW 46.32.050; amending section 46.37.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.010; amending section 46.37.188, chapter 12, Laws of 1961 and RCW 46.37.188; amending section 1, chapter 77, Laws of 1971 and RCW 46.37.423; amending section 2, chapter 77, Laws of 1971 as amended by section 36, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.424; amending section 3, chapter 77, Laws of 1971 as amended by section 37, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.425; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 11, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.047; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.105; amending section 1, chapter 1, Laws of 1973 1st ex. sess. as last amended by section 20, chapter 64, Laws of 1975-'76 2nd ex. sess. and RCW 46.44.130; amending section 2, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.140; amending section 4, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.175; amending section 46.52.010, chapter 12, Laws of 1961 and RCW 46.52.010; amending section 1, chapter 18, Laws of 1975-'76 2nd ex. sess. and RCW 46.52.020; amending section 46.52.100, chapter 12, Laws of 1961 as last amended by section 163, chapter 158, Laws of 1979 and RCW 46.52.100; amending section 46.52.110, chapter 12, Laws of 1961 as last amended by section 166, chapter 158, Laws of 1979 and RCW 46.52.110; amending section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 2, chapter 356, Laws of 1977 ex. sess. and RCW 46.52.130; amending section 59, chapter 155, Laws of 1965 ex. sess. as amended by section 67, chapter 32, Laws of 1967 and RCW 46.61.500; amending section 46.56.030, chapter 12, Laws of 1961 as amended by section 69, chapter 32,

Laws of 1967 and RCW 46.61.525; amending section 46.48.060, chapter 12, Laws of 1961 and RCW 46.61.535; amending section 46.56.100, chapter 12, Laws of 1961 and RCW 46.61.665; amending section 1, chapter 151, Laws of 1961 and RCW 46.61.680; amending section 1, chapter 259, Laws of 1961 and RCW 46.61.690; amending section 79, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.750; amending section 46.64.050, chapter 12, Laws of 1961 as amended by section 3, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.64.050; amending section 4, chapter 284, Laws of 1971 ex. sess. as amended by section 1, chapter 62, Laws of 1979 and RCW 46.65.020; amending section 5, chapter 284, Laws of 1971 ex. sess. as amended by section 2, chapter 62, Laws of 1979 and RCW 46.65.030; amending section 46.76.080, chapter 12, Laws of 1961 and RCW 46.76.080; amending section 2, chapter 9, Laws of 1970 ex. sess. as amended by section 1, chapter 26, Laws of 1971 ex. sess. and RCW 46.81.030; amending section 46.83.060, chapter 12, Laws of 1961 and RCW 46.83.060; amending section 25, chapter 106, Laws of 1963 and RCW 46.85.250; amending section 54, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.345; amending section 102, chapter 54, Laws of 1975 1st ex. sess. and RCW 46.90.560; amending section 31, chapter 145, Laws of 1967 ex. sess. and RCW 47.38.030; amending section 1, chapter 38, Laws of 1961 and RCW 53.08-.220; amending section 32, chapter 302, Laws of 1971 ex. sess. and RCW 70.108-.130; amending section 4, chapter 67, Laws of 1921 as amended by section 3, chapter 143, Laws of 1923 and RCW 76.04.480; amending section 81.68.080, chapter 14, Laws of 1961 and RCW 81.68.080; amending section 18, chapter 150, Laws of 1965 and RCW 81.70.170; adding new sections to chapter 46.61 RCW; adding a new chapter to Title 46 RCW; repealing section 2, chapter 155, Laws of 1965 ex. sess., section 1, chapter 95, Laws of 1975-'76 2nd ex. sess. and RCW 46.61.010; prescribing penalties; and prescribing an effective date."

On motion of Senator Marsh, the following amendments to the title to the amendment by Senator von Reichbauer were adopted:

On page 140, on line 4, after "46.16.595;" insert "amending section 2, chapter 121, Laws of 1965 ex. sess. and RCW 56.20.021;"

On page 142 of the Senate Amendment, line 29, after "46.61.525;" insert "amending section 46.48.050, chapter 12, Laws of 1961 and RCW 46.61.530;"

The motion by Senator Marsh carried and the amendment by Senator von Reichbauer to the title, as amended, was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 101, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 101, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; excused, 4.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Gaspard, Gould, Hansen, Henry, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—34.

Voting nay: Senators Benitz, Fleming, Gallagher, Goltz, Guess, Hayner, Jones, Lewis, Pullen, Sellar, Wilson—11.

Excused: Senators Donohue, Keefe, Newschwander, Rasmussen—4.

ENGROSSED HOUSE BILL NO. 101, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 156**, by Committee on Local Government (originally sponsored by Representatives Mitchell, Warnke, Zimmerman, Jovanovich, Nisbet, G. A. Nelson, Tupper, Williams, Eberle, Bond, Wilson, Houchen and Dawson):

Relating to fiscal notes and appropriation clauses on legislation mandating expenditures by state or local units of government.

The bill was read the second time by sections.

On motion of Senator McDermott, the following amendment by Senator Donohue was adopted:

On page 1, beginning on line 29, strike all of new section 2 and renumber the remaining section accordingly.

On motion of Senator McDermott, the following amendment by Senator Donohue to the title was adopted:

On page 1, line 3 of the title, strike "adding a new section to chapter 43.88A RCW;"

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 156, 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. 156, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Excused: Senators Donohue, Keefe, Newschwander, Rasmussen—4.

**SUBSTITUTE HOUSE BILL NO. 156**, as amended by the Senate, having received the constitutional majority, 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. 307**, by Representatives Newhouse and Knowles:

Revising the criminal code.

The Senate resumed consideration of House Bill No. 307. On Tuesday, April 10, 1979 the committee amendment was adopted. The Secretary on that day had commenced reading the following amendment by Senators Pullen, Day, Vognild, Sellar, von Reichbauer, Morrison, Conner, Rasmussen, Lewis and Guess:

On page 7, after line 21, insert the following:

"Sec. 14. Section 9A.56.200, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.200 are each amended to read as follows:

(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.

(3) Every person convicted of robbery in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No

portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

On that day, Senator Marsh had raised a Point of Order. The amendment was ruled to be in order.

Senator Pullen moved adoption of the preceding amendment.

Senator Walgren moved the amendment by Senator Pullen and others be laid upon the table.

Senator Walgren demanded a roll call and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the motion by Senator Walgren that the amendment by Senator Pullen and others be laid upon the table.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Walgren failed by the following vote: Yeas, 20; nays, 26; excused, 3.

Voting yea: Senators Bausch, Bottiger, Fleming, Gaspard, Goltz, Henry, Lysen, Marsh, McDermott, Moore, Peterson, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Walgren, Williams, Wojahn, Woody—20.

Voting nay: Senators Benitz, Bluechel, Clarke, Conner, Day, Gallagher, Gould, Guess, Hansen, Hayner, Jones, Lee, Lewis, Matson, Morrison, North, Odegaard, Pullen, Quigg, Rasmussen, Scott, Sellar, Vognild, von Reichbauer, Wanamaker, Wilson—26.

Excused: Senators Donohue, Keefe, Newschwander—3.

Senator Bottiger moved adoption of the following amendments to the amendment by Senator Pullen and others:

On page 1, lines 14, 21, and 33 and on page 2, lines 2 and 9, strike "three" and insert "five"

Senator Bottiger demanded a roll call and the demand was sustained.

Debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendments by Senator Bottiger to the amendment by Senator Pullen and others.

#### ROLL CALL

The Secretary called the roll and the amendments to the amendment were not adopted by the following vote: Yeas, 17; nays, 29; excused, 3.

Voting yea: Senators Bausch, Bottiger, Conner, Gaspard, Hansen, Henry, Lysen, Odegaard, Peterson, Pullen, Ridder, Talley, Talmadge, von Reichbauer, Walgren, Wojahn, Woody—17.

Voting nay: Senators Benitz, Bluechel, Clarke, Day, Fleming, Gallagher, Goltz, Gould, Guess, Hayner, Jones, Lee, Lewis, Marsh, Matson, McDermott, Moore, Morrison, North, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Van Hollebeke, Vognild, Wanamaker, Williams, Wilson—29.

Excused: Senators Donohue, Keefe, Newschwander—3.

## POINT OF INQUIRY

Senator Walgren: "Senator Pullen, do you have any idea as to how many additional people would be incarcerated under your amendment during this next biennium?"

Senator Pullen: "Yes, I do have an idea, Senator Walgren."

Senator Walgren: "How many do you calculate that would be?"

Senator Pullen: "I think there would be a reduction. First of all, I should point out that most class A felons already are serving more than three years behind bars. This is because of the severity of a class A felony. My amendment would only deal with a few criminals that might be let loose due to a lenient judge or due to an error of the parole board or due to some mistake by the department of social and health services who might parole such a felon or let a felon loose because of work release.

"As you well know, Senator Walgren, being an expert member of this legislature and a very knowledgeable attorney, studies have been made by criminologists which clearly indicate that mandatory sentencing is a deterrent to crime."

Senator Walgren: "I do not think that this is responsive to the question, Mr. President."

President Pro Tempore Henry: "I could not decide whether it was a response to your question or the final argument on the bill. What was the figure? I missed that someplace. Five thousand or ten thousand?"

Senator Pullen: "It is difficult to be quantitative but I would say you could expect a reduction of about ten percent."

President Pro Tempore Henry: "A reduction?"

## POINT OF INQUIRY

Senator Walgren: "Senator Pullen, further question then. Do I understand your amendment then is to result in fewer people being imprisoned?"

Senator Pullen: "That is correct because the professional criminal is very smart and knows that if he is going to be assured of being locked up, then he is going to go somewhere else where the pickings are easier."

Debate ensued.

## POINT OF INQUIRY

Senator Marsh: "Senator Donohue, several of us have been concerned about the fiscal impact of the Pullen amendment which would add these mandatory sentences and we requested that you have your staff estimate for us the number of new beds that would be required to accommodate these amendments. Can you give us that figure at this time?"

Senator Donohue: "The most recent figure I have, Senator, which is about ten minutes ago and the very hurried numbers that we came up with would be that in 1980 you would have to have ninety-six new beds; in 1981, one hundred and four; and in 1982, one hundred and fourteen. By 1982 you would have to have a total of about three hundred and fourteen new beds at a cost of about somewhere between twenty-four and thirty million dollars.

"The problem that I think that we have, we all recognize today, is the problem of overcrowded prisons. Senator Day's committee and the ways and means staff have been working to try and figure out what to do within the dollars available as it relates to different kinds of programs; new construction, new diversionary programs, and so forth. I think we have a pretty good program set out to present to both caucuses before this session is over as it relates to the budget.

"It would seem that Senator Pullen's amendment would, in fact, require that we come up and build another prison somewhere, and I am sure that Senator Pullen, although I have not heard him say so, knows exactly where that prison would be. I

do not know whether that prison . . . whether you have determined where that would be, Senator, but I would like to hear you respond to that. Evidently there is someplace that you have in mind.

"So I think that first of all, we have to walk before we run, and I think the thing we have to do now is to take care of the terrific problem that we have out there now as relates to the numbers of people, the crowding and so forth. I have to agree with something that Senator Walgren said, Senator Pullen, and that is that there is not anybody on this floor that does not want to see that these people are put away and taken care of, and maybe a couple of years from now after we find out where we are as related to the population out there, that we could do something like this, and maybe at that time I would support that particular—that is if I am reelected back here—that I would support that kind of program, but I think right now, based upon our dollars, based upon our program that we are going to present to the caucuses, that this is an inappropriate time to pass amendments like this. They are too far-reaching with the problems we already have."

#### REMARKS BY SENATOR PULLEN

Senator Pullen: "Thank you, Senator Donohue, for your remarks in favor of my amendment. If I understand your remarks, you are saying that if these amendments are not adopted, then by 1980 there is going to be three hundred and fourteen bloodthirsty class A felons out on the streets."

Further debate ensued.

#### MOTION

On motion of Senator Walgren, House Bill No. 307, as amended on Tuesday, April 10, 1979, together with the pending amendment by Senator Pullen and others, will be considered following Substitute House Bill No. 1018.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, by Committee on Ecology (originally sponsored by Representatives Valle, Chandler, Pruitt and Douthwaite):

Controlling vehicle emissions.

The Senate resumed consideration of Engrossed Substitute House Bill No. 298. On Tuesday, April 10, 1979, the committee amendments were adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 1, after "to" strike "motor vehicle emission control" and insert "air pollution".

#### POINT OF ORDER

Senator Bluechel: "Mr. President, I would challenge scope and object of the amendment by Senator Rasmussen. The bill is an act relating to motor vehicle emission controls, and by the very first line in the amendment by Senator Rasmussen, he changes it to an act relating to air pollution, and, I think, by the very start there we're saying that it is out of scope and object."

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President's ruling is that it does expand the scope and object of the bill."

The amendment was ruled out of order.

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 298, 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. 298, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bluechel, Bottiger, Clarke, Day, Fleming, Goltz, Gould, Guess, Hansen, Jones, Lee, Lewis, Lysen, Matson, McDermott, North, Ridder, Scott, Shinpoch, Talley, Talmadge, Walgren, Williams, Wojahn, Woody—25.

Voting nay: Senators Bausch, Benitz, Conner, Donohue, Gallagher, Gaspard, Hayner, Henry, Marsh, Moore, Morrison, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Sellar, Van Hollebeke, Vognil, von Reichbauer, Wanamaker, Wilson—22.

Excused: Senators Keefe, Newschwander—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 99.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

The Senate resumed consideration of Substitute House Bill No. 99. On Tuesday, April 10, 1979, Senator Rasmussen had moved adoption of the following amendment:

On page 6, after line 5, insert the following:

"Sec. 7. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at (~~thirteen cents per mile each way~~) the rate determined under RCW 43.03.060, the following compensation:

- (1) Grand jurors shall receive (~~ten~~) twenty-five dollars;
- (2) Petit jurors shall receive (~~ten~~) twenty-five dollars;
- (3) Coroner's jurors shall receive (~~ten~~) twenty-five dollars;
- (4) Justice of the peace jurors shall receive (~~ten~~) twenty-five dollars:

PROVIDED, That a person excused from jury service at his own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances.

Sec. 8. Section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090 are each amended and reenacted to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal

court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive twenty-five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage (~~(as provided by law)~~) at the rate determined under RCW 43.03.060. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972."

Renumber the sections consecutively.

On motion of Senator Hayner, the following amendment by Senators Hayner and Woody to the amendment by Senator Rasmussen was adopted:

On line 31 after "circumstances" insert:

": PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution"

Debate ensued.

#### MOTION

On motion of Senator Walgren, Substitute House Bill No. 99, together with the pending amendment by Senator Rasmussen, as amended was ordered held following consideration of Engrossed House Bill No. 380.

#### MOTION

On motion of Senator Wilson, Senator Williams was excused.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Talley served notice that he would, at a later time, move for reconsideration of the vote by which Engrossed Substitute House Bill No. 298 passed the Senate.

President Pro Tempore Henry repeated the motion by Senator Talley stating Senator Talley had moved for reconsideration of Engrossed Substitute House Bill No. 298.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 455.

#### SECOND READING

HOUSE BILL NO. 455, by Representatives McGinnis and Rohrbach (by Insurance Commissioner request):

Eliminating laws regulating employee welfare trust funds.

The bill was read the second time by sections.

On motion of Senator Bausch, the rules were suspended, House Bill No. 455 was advanced to third reading, the second 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. 455 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—44.

Absent or not voting: Senators Lysen, Matson—2.

Excused: Senators Keefe, Newschwander, Williams—3.

HOUSE BILL NO. 455, having received the constitutional majority, was declared passed. 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, Senators Bluechel and Sellar were excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 459, by Committee on Insurance (originally sponsored by Representatives Maxie, Rohrbach and McGinnis) (by Insurance Commissioner request):

Modifying the insurance laws.

The bill was read the second time by sections.

On motion of Senator Clarke, the following amendment was adopted:

On page 3, after line 15, insert:

"Sec. 4. Section .13.21, chapter 79, Laws of 1947 and RCW 48.13.210 are each amended to read as follows:

(1) An insurer other than a life insurer may invest a portion of its surplus funds in an aggregate amount not exceeding fifty percent of its surplus over its capital stock and other liabilities, or thirty-five percent of its capital funds, whichever is greater, in the stocks of other insurers organized and existing under the laws of states of the United States. Indirect or proportionate interests in insurance stocks held by an insurer through any intermediate subsidiary or subsidiaries shall be included in applying the limitations provided in subsections (1), (2), and (3) of the section.

(2) A life insurer may invest in such insurance stocks in an aggregate amount not exceeding the smaller of the following amounts: Five percent of its assets; or twenty-five percent of its surplus over its capital stock and other liabilities, or of surplus over its required minimum surplus if a mutual life insurer.

(3) An insurer shall not purchase or hold as an investment more than five percent of the voting stock of any one other insurer, and subject further to the investment limits of RCW 48.13.030. This limitation shall not apply if such other insurer is the subsidiary of, and substantially all its shares having voting powers are owned by ((an)) the insurer ((other than a life insurer)).

(4) No such insurance stock shall be eligible as an investment unless it meets the qualifications for stocks of other corporations as set forth in RCW 48.13.220.

(5) The limitations on investment in insurance stocks set forth in this chapter shall not apply to stocks acquired under a plan for merger of the insurers which has been approved by the commissioner or to shares received as stock dividends upon shares already owned."

Renumber remaining section consecutively.

On motion of Senator Clarke, the following amendment to the title was adopted:

On line 6 of the title, after "48.14.070;" insert "and amending section .13.21, chapter 79, Laws of 1947 and RCW 48.13.210;"

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 459, 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. 459, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senator Hayner—1.

Excused: Senators Keefe, Newschwander, Sellar—3.

SUBSTITUTE HOUSE BILL NO. 459, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 546.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 546, by Committee on Insurance (originally sponsored by Representatives Rohrbach and Maxie) (by Insurance Commissioner request):

Revising the billing for the expenses of examiners for insurers.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 546 was advanced to third reading, the second 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. 546 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Newschwander, Sellar—3.

SUBSTITUTE HOUSE BILL NO. 546, having received the constitutional majority, 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. 576, by Representatives Scott, Clayton, Lux, Martinis, Taller, McDonald, Brown, Bender, Jovanovich and King:

Revising laws regulating apprenticeships.

The bill was read the second time by sections.

On motion of Senator Lysen, the rules were suspended, House Bill No. 576 was advanced to third reading, the second 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. 576 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Newschwander, Sellar—3.

HOUSE BILL NO. 576, having received the constitutional majority, 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. 630, by Representative Flanagan:

Providing for awarding of attorney fees and costs in lien foreclosures against the reserve fund for a public works project.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 630 was advanced to third reading, the second 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. 630 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Keefe, Newschwander, Sellar—3.

ENGROSSED HOUSE BILL NO. 630, having received the constitutional majority, 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. 697, by Committee on Judiciary (originally sponsored by Representatives Newhouse, R. Smith, Knowles and Chandler):

Revising the law on replevin.

## REPORT OF STANDING COMMITTEE

March 2, 1979.

**SUBSTITUTE HOUSE BILL NO. 697**, revising the law on replevin (reported by Judiciary Committee):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 4, line 34, after "damages" insert "court costs, including reasonable attorneys' fees, and costs of recovery"

On page 5, line 4, after "costs," insert "including reasonable attorneys' fees,"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner and Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were adopted.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 697, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wilson: "Senator Marsh, what does replevin mean?"

Senator Marsh: "Replevin is an old English action to recover goods that belong to you."

Senator Wilson: "So this pertains to the recovery of stolen goods?"

Senator Marsh: "That is correct."

## ROLL CALL

The Secretary called the roll call on the final passage of Substitute House Bill NO. 697, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Newschwander—2.

**SUBSTITUTE HOUSE BILL NO. 697**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 774**, by Committee on Judiciary (originally sponsored by D. Nelson, Chandler and Bender):

Reenacting the law granting attorney fees to an owner suing to recover stolen goods from a pawnbroker.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 774 was advanced to third reading, the second 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. 774 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Keefe, Newschwander—2.

SUBSTITUTE HOUSE BILL NO. 774, having received the 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, the Senate commenced consideration of Engrossed House Bill No. 380.

On motion of Senator Matson, Senator Guess was excused.

### SECOND READING

ENGROSSED HOUSE BILL NO. 380, by Representatives Dawson, Erak and Patterson (by Department of Transportation request):

Providing new and revised state highway numbers and descriptions.

The bill was read the second time by sections.

Senator Talmadge moved adoption of the following amendment:

On page 7, after line 31, insert the following:

"Sec. 18. Section 62, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.305 are each amended to read as follows:

A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 in the vicinity west of Port Orchard, thence northeasterly by way of Port Orchard to Harper and Point Southworth; also

Beginning at the Fautleroy ferry terminal, thence northeasterly and easterly to a junction with state route number 5 in the vicinity of Spokane street."

### POINT OF ORDER

Senator Peterson: "Mr. President, on the basis of the previous remarks and the explanations of the amendment, I would raise the question of scope and object."

### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think there is very little doubt as to the question of scope and object. The bill merely gives the transportation department the right to change some numbers on existing highways where alignment has been changed or two roads have been merged. Senator Talmadge's amendment would add additional roads to the system. It has been tried before. There is no statewide significance to it. Besides that, if it were adopted he would be in the category C with that particular road, where absolutely no funds for construction are available. Therefore, it is outside the scope and object."

The amendment was ruled out of order.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 380 was advanced to third reading, the second 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. 380 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Guess, Keefe, Newschwander—3.

ENGROSSED HOUSE BILL NO. 380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

The Senate resumed consideration of Substitute House Bill No. 99: An amendment by Senator Rasmussen had been moved for adoption. An amendment by Senators Hayner and Woody to the amendment by Senator Rasmussen was adopted earlier today.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendment by Senator Rasmussen as amended by Senators Hayner and Woody.

Debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Senator Rasmussen, I know you are one who likes local control and does not like the state and federal government mandating things. Wouldn't it be better if in your amendment we authorize the county government to increase the jury fees and that way they would be able to determine whether they had funds sufficient to pay for those rather than the state coming in and telling them they have to and then they might not really have the money to do it?"

Senator Rasmussen: "I would say so, Senator Odegaard, because for this reason; a person could be charged with the same charge and the county could decide we do not have enough money to pay the jurors this time or for another case, we do have it. There is no uniformity then in justice and I think it is important we have uniformity in the way justice is administered."

## POINT OF INQUIRY

Senator Guess: "Senator Rasmussen, what am I going to be able to tell my people when I get home and say that we increased the cost of operating the county by a million two hundred thousand dollars and did not give them any means to do it by?"

Senator Rasmussen: "Senator Guess, I cannot argue with you on the amount of money because I do not know how many jury trials there are. I do know we have passed legislation which is going to reduce the jury trials considerably in this session, in allowing them to go to arbitration on cases and like that. However, you are going to be able to say the same thing to them—it is just one of the costs of having justice administered fairly in the state of Washington."

## REMARKS BY SENATOR GUESS

Senator Guess: "I talked to the county commissioners before I came over here and I promised them I would do everything I could to not raise the cost of government without giving them the means whereby to meet that cost of government, so I hope that the body will take due consideration of the fact that it is going to be a tremendous increase in each one of the court house budgets and we are going to have to answer to it."

Further debate ensued.

On motion of Senator Gaspard, the following amendments by Senators Gaspard to the amendment by Senator Rasmussen were adopted:

On page 1, line 19 of the amendment, strike "shall" and insert "~~((shall))~~ may"

On page 1, line 20, after "~~((ten))~~" insert "up to" and after "dollars" insert "but in no case less than ten dollars"

On page 1, line 21 of the amendment, strike "shall" and insert "~~((shall))~~ may"

On page 1, line 22 of the amendment, after "~~((ten))~~" insert "up to" and after "dollars" insert "but in no case less than ten dollars"

On page 1, line 24, strike "shall" and insert "~~((shall))~~ may" and after "~~((ten))~~" insert "up to" and after "dollars" on line 25, insert "but in no case less than ten dollars"

On page 2, line 23, strike "shall" and insert "~~((shall))~~ may" and before "~~twenty-~~" insert "up to" and after "dollars" insert "but in no case less than ten dollars"

The motion by Senator Rasmussen carried and the amendment, as amended, was adopted.

Senator Talmadge moved adoption of the following amendment:

On page 5, line 32, insert the following new section:

"Sec. 6. Section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((forty-five))~~ sixty dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of ~~((forty-five))~~ sixty dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of ~~((five))~~ fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of ~~((twenty-five))~~ one hundred dollars; if the demand is for a jury of twelve the fee shall be ~~((fifty))~~ two hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional ~~((twenty-five))~~ one hundred dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two

dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For ~~((the filing of an))~~ each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((forty=five))~~ sixty dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of ~~((forty=five))~~ sixty dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of three dollars.

(15) For searching records there shall be a fee of eight dollars per hour.

(16) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of ~~((thirty=two))~~ sixty dollars.

~~((+6))~~ (17) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

~~((+7))~~ (18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010."

Renumber remaining sections consecutively.

#### POINT OF ORDER

Senator Marsh: "Mr. President, I raise the point of order that this amendment is beyond the scope and object of the bill. The bill, as introduced, had to do with selection of jurors and juror exemptions and it also had to do with the method of selection of jurors. It transferred the selection from the clerk or comptroller of each incorporated city to the county auditor's office, and I say that this is clearly beyond the scope and should be stricken."

#### RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Just to keep the record straight, Senator Marsh, your remarks about requiring a title amendment do not hold any water in this court of law. However, the bill does deal primarily with jury and jury selection, and Senator Talmadge, this just is not your lucky day. It is beyond the scope and object."

The amendment by Senator Talmadge was ruled out of order.

On motion of Senator Van Hollebeke, the following amendment was adopted:

On page 6 following section 8 add new sections to read as follows:

"Sec. 9. Section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.050 are each amended to read as follows:

The justice shall write in a panel the names of eighteen persons, (~~citizens of the county~~) selected at random from persons registered as voters within the justice court district, from which the defendant, his agent, or attorney(;) must strike one name; the plaintiff, his agent, or attorney, one; and so on alternately until each party shall have stricken six names, and the remaining six names shall constitute the jury to try such case; and if either party neglect or refuse to aid in striking the jury as aforesaid, the justice shall strike the name in behalf of such party.

**NEW SECTION.** Sec. 10. 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 motion of Senator Rasmussen, the following amendment to the title was adopted:

On page 1, on line 8 of the title, after "2.36.120;" insert "amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 76, Laws of 1975 1st ex. sess. and RCW 2.36.150; amending and reenacting section 35.20.090, chapter 7, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 ex. sess. and by section 3, chapter 248, Laws of 1977 ex. sess. and RCW 35.20.090;"

On motion of Senator Van Hollebeke, the following amendment to the title was adopted:

On line 15 of the title after "38.40 RCW" and before the period insert "; amending section 72, page 235, Laws of 1854 as last amended by section 3, page 119, Laws of 1888 and RCW 12.12.050; and creating a new section"

### MOTION

On motion of Senator Marsh, Substitute House Bill No. 99, as amended by the Senate, was ordered held for further consideration following Substitute House Bill No. 280.

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1018**, by Committee on Insurance (originally sponsored by Representative Douthwaite):

Authorizing associations to have group insurance on lives of members.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 1018 was advanced to third reading, the second 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. 1018 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Gould—1.

Excused: Senators Keefe, Newschwander—2.

**SUBSTITUTE HOUSE BILL NO. 1018**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 280.

## THIRD READING

SUBSTITUTE HOUSE BILL NO. 280, by Committee on Commerce (originally sponsored by Representatives Gallagher, Brown, Tilly and May):

Prohibiting advertisement of unlicensed contractors.

The Senate resumed consideration of Substitute House Bill No. 280. The bill had been advanced to third reading on Friday, April 6, 1979.

Debate ensued.

## MOTION

On motion of Senator Walgren, Substitute House Bill No. 280 was made a special order of business following the noon recess.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 419.

## SECOND READING

HOUSE BILL NO. 419, by Representatives Burns, Blair, Warnke, Nelson (D), Douthwaite and Greengo:

Authorizing sale of liquor at faculty center at University of Washington.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

HOUSE BILL NO. 419, authorizing sale of liquor at faculty center at University of Washington (reported by Committee on Commerce):

Recommendation: Do pass with the following amendment:

On page 1, line 12, after "class H" insert "club"

Signed by: Senators Van Hollebeke, Chairman; Wojahn, Vice Chairman; Morrison, Quigg and Williams.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendment was adopted.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 419, 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. 419, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; absent or not voting, 3; excused, 2.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Fleming, Gaspard, Henry, Jones, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Peterson, Ridder, Shinpoch, Talley, Talmadge, Van Hollebeke, Walgren, Williams, Wojahn, Woody—25.

Voting nay: Senators Benitz, Bottiger, Donohue, Gallagher, Goltz, Gould, Guess, Hansen, Hayner, Lee, Lewis, Odegaard, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer, Wanamaker, Wilson—19.

Absent or not voting: Senators Conner, Quigg, Scott—3.

Excused: Senators Keefe, Newschwander—2.

HOUSE BILL NO. 419, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the Chair.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 163, by Committee on State Government (originally sponsored by Representatives North, Erickson, Ehlers and Valle):

Adding lay member to the veterinary board of governors.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 163 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### POINT OF INQUIRY

Senator Day: "Senator Rasmussen, is this an additional bill being passed relative to the board of veterinary medical examiners, because you know, this session we have already passed one bill? What happens if there is a conflict in these two?"

Senator Rasmussen: "This is the Washington state veterinary association. It also includes—the board will terminate on June 30, 1983 and will be subject to the state sunset law."

Senator Day: "Mr. President, the question is, we passed a House bill this time, Senator, which reinstated the board which was lost through the court action. Now has this been checked to see if there is any conflict with that act that just reestablished the board?"

Senator Rasmussen: "The answer would be, Senator Day, no, it will be no conflict. It merely adds a lay member and it is my understanding that in 1978 the state supreme court ruled it is a delegation of legislative powers to a private association . . . appointment of members to a similar state board was invalid because it was not accompanied by sufficient standards or guidelines. Proponents believe that the reference to the list submitted by the association must be removed and a lay member should be added to the board to provide general public representation."

### MOTION

On motion of Senator Day, Substitute House Bill No. 163 was made a special order of business on third reading for this afternoon.

### MOTION

On motion of Senator Van Hollebeke, House Bill No. 419, as amended by the Senate, was ordered immediately transmitted to the House.

### PARLIAMENTARY INQUIRY

Senator Pullen: "Under your rulings that you have laid down in the past, does that motion that we just adopted prohibit someone from reconsidering the measure today?"

### REPLY BY THE PRESIDENT

President Cherberg: "In The President's opinion, it does not, Senator Pullen."

## SECOND READING

ENGROSSED HOUSE BILL NO. 329, by Representatives McCormick, Martinis and Wilson:

Permitting certain bus stop signs.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Engrossed House Bill No. 329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator North: "Senator Talley, I have a letter here from the Washington roadside council and it raises a question in my mind. It deals with a Senate bill that we have already passed which is identical to this and which has already been signed by the Governor and is already in law and, of course, I am wondering why we are acting now on a House bill that is doing the same thing.

"But the point that is raised here, it says: 'Can you imagine a sign contributed or sponsored by Black Velvet liquor or Tareyton cigarettes with those words up to two feet by six feet sponsoring a message on a school bus shelter?' I would want to ask you, is this what we are doing with this bill?"

Senator Talley: "I do not think that is the intent. I think if you get much advertising like that they would repeal the bill and they would have no bill. I think they have got to use a little common sense and discretion on this."

Senator North: "I have no argument with the intent. I do think that is the will of the body, but is this bill written in such a way that this kind of thing can happen? I certainly want school children in a shelter from the rain but I do not want them standing there reading cigarette and liquor ads."

## MOTION

On motion of Senator Walgren, Engrossed House Bill No. 329 was rereferred to the Committee on Rules.

## POINT OF INQUIRY

Senator Talley: "Senator North did you vote for liquor ads on that last bill?"

Senator North: "I voted, Senator Talley, favorably on the Senate bill when it was before us and that is what is concerning me. We voted on February 19 and the letter I have here came March 22 and it concerns me very much if I voted 'yes' for this kind of legislation because that certainly was not my intent."

## REMARKS BY SENATOR WANAMAKER

Senator Wanamaker: "In order to alleviate any fears of Senator North, this is under the control of the highway department that can specify what advertising can be put on, what size and the whole works, so I do not think the roadside council or you or anybody else should have any fears."

## SECOND READING

ENGROSSED HOUSE BILL NO. 424, by Representatives Smith (R), Newhouse and Chandler:

Allowing negotiation of court filing fees between cities and counties.

The bill was read the second time by sections.

On motion of Senator Marsh, the following amendment was adopted:

On page 1, line 23, strike "~~((four dollars))~~" and insert "four dollars or" and after "penalty" insert "whichever is greater."

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 424, 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. 424, 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 Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Keefe, Newschwander—2.

ENGROSSED HOUSE BILL NO. 424, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTIONS

On motion of Senator Clarke, Engrossed House Bill No. 424, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Talley the notice of reconsideration on Engrossed Substitute House Bill No. 298 was withdrawn.

At 12:00 noon, on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

### MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 186.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 186, by Committee on Natural Resources (originally sponsored by Representatives Schmitten, Keller, Vrooman, Addison, Fuller and Teutsch):

Eliminating report filing for shippers of Christmas trees sold out of state.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 186 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Absent or not voting: Senators Conner, Day, Donohue—3.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Wilson, Senators Conner and Donohue were excused.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 22, by Committee on Judiciary (originally sponsored by Representatives Charnley, Burns, Douthwaite and G. A. Nelson):

Permitting arrest for certain traffic offenses.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 22 was advanced to third reading, the second 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. 22 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Conner, Donohue, Keefe—3.

SUBSTITUTE HOUSE BILL NO. 22, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Engrossed House Bill No. 645.

### SECOND READING

ENGROSSED HOUSE BILL NO. 645, by Representatives Heck, Chandler, Bender, Williams, Grimm, Bauer, Vrooman and Erickson (by Superintendent of Public Instruction request):

Implementing law relating to use of school plants for community activities and making an appropriation therefor.

## REPORT OF STANDING COMMITTEE

April 3, 1979.

ENGROSSED HOUSE BILL NO. 645, implementing law relating to use of school plants for community activities and making an appropriation therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2 strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. The superintendent of public instruction and the executive director of the state board for community college education, in consultation with representatives of local school districts and community college districts, as well as representatives of the general public, shall prepare a report with recommendations for public policy on community schools to the legislature. Such a study shall include a definition of community schools, a definition of the services to be provided, an analysis of the facilities to be utilized, the preparation of a financial plan, and a proposal for the governance of such programs. Reports of an interim nature should be presented to the education and higher education committees of the legislature as requested. The final report should be presented to the legislature no later than January 1, 1981."

Signed by: Senator McDermott, Chairman; Gaspard, Vice Chairman; Gould, Morrison, Ridder and Talmadge.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendment was adopted.

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 645, 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. 645, 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 Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Absent or not voting: Senator Hayner—1.

Excused: Senators Donohue, Keefe—2.

ENGROSSED HOUSE BILL NO. 645, as amended by the Senate, having received the 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, the Senate advanced to the seventh order of business.

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 163.

## THIRD READING

SUBSTITUTE HOUSE BILL NO. 163, by Committee on State Government (originally sponsored by Representatives North, Erickson, Ehlers and Valle):

Adding lay member to the veterinary board of governors.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 163.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 163 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senators Donohue, Keefe—2.

SUBSTITUTE HOUSE BILL NO. 163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SPECIAL ORDER OF BUSINESS THIRD READING

SUBSTITUTE HOUSE BILL NO. 280, by Committee on Commerce (originally sponsored by Representatives Gallagher, Brown, Tilly and May):

Prohibiting advertisement of unlicensed contractors.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 280.

### MOTIONS

On motion of Senator Van Hollebeke, the rules were suspended and Substitute House Bill No. 280 was returned to second reading.

On motion of Senator Van Hollebeke, the following amendment was adopted:

On page 1, after line 27, insert a new section to read as follows:

"NEW SECTION. Sec. 2. The provisions of this 1979 amendatory act shall become effective on January 1, 1980."

On motion of Senator Van Hollebeke, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "18.27.100;" insert "prescribing an effective date"

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 280, 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 Rasmussen: "Senator Quigg, I am looking at a registration number now and it is in the paper and I want a job done. Is there any way that I can tell by looking at that number whether I get an A—one job, B—one job or D job? That would be important to me, a widow that wants to get a little carpenter work or roof put on or something done."

Senator Quigg: "Senator Rasmussen, if you surveyed the list of advertisers, let us say, in the classified section of the Tribune or some place and you ran down there and saw that some had numbers alongside of them and some did not, I would think that you as a widower or widow, particularly you as a widow, would be particularly

concerned to see that you retained a contractor that was a licensed contractor, that took the time to get himself licensed, to see to it that he was involved in what consumer protection the state does provide for widows like yourself. And I think you would find that would provide a service and while it would not guarantee an A— job or even a C minus, at least you would have a little bit of screening going on ahead of time and probably save some of your time to go on and play bingo or something else rather than get involved with a contractor that is trying to take that last bit of the pension away from you."

### MOTION

On motion of Senator Jones, Senator Newschwander was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 280, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—41.

Voting nay: Senators Benitz, Bluechel, Guess, Pullen, Sellar, Wilson—6.

Excused: Senators Keefe, Newschwander—2.

SUBSTITUTE HOUSE BILL NO. 280, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate returned to the sixth order of business.

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 99, by Committee on Judiciary (originally sponsored by Representative Tilly) (by House Committee on Judiciary of 45th Legislature request):

Modifying the procedure for the selection of prospective jurors.

The Senate resumed consideration of Substitute House Bill No. 99, as amended earlier today.

On motion of Senator Gaspard, the Senate moved to reconsider the vote by which the amendment by Senator Rasmussen, as amended, was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen, as amended, on reconsideration.

On motion of Senator Gaspard, the following amendments to the amendment by Senator Rasmussen were adopted:

On page 1, line 31 of the Rasmussen amendment, after "circumstances" insert "PROVIDED FURTHER, That the compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county"

On page 2, line 28, after "43.03.060" insert "PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied"

The amendment by Senator Rasmussen, as amended, was adopted on reconsideration.

On motion of Senator Marsh, the rules were suspended, Substitute House Bill No. 99, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 99, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bausch, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—42.

Voting nay: Senators Benitz, Matson, Morrison, Pullen—5.

Excused: Senators Keefe, Newschwander—2.

SUBSTITUTE HOUSE BILL NO. 99, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:10 p.m., on motion of Senator Marsh, the Senate was declared to be at ease.

The President called the Senate to order at 2:50 p.m.

## MOTION

On motion of Senator Marsh, the Senate commenced consideration of Substitute House Bill No. 1176.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1176, by Committee on Local Government (originally sponsored by Representatives Galloway, Bauer, Heck and Zimmerman):

Setting forth means for authorizing concurrent federal and local jurisdiction over certain federal lands.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 1176 was advanced to third reading, the second 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. 1176 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Fleming—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 41.

## SECOND READING

ENGROSSED HOUSE BILL NO. 41, by Representative Keller:  
Providing for local fire protection contracts.

## REPORT OF STANDING COMMITTEE

April 6, 1979.

ENGROSSED HOUSE BILL NO. 41, providing for local fire protection contracts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 17, after the period, insert the following:

"The director of general administration shall present in the budget submitted to the governor for the 1981-83 biennium, and each biennium thereafter, an amount sufficient to fund any fire protection service contracts negotiated under the provisions of this act."

Signed by: Senators Wilson, Chairman; Lee, Moore, North, Talley.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendment was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 41, 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. 41, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 41, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 338.

## SECOND READING

ENGROSSED HOUSE BILL NO. 338, by Representatives Oliver, Isaacson and Sprague:

Extending the time period for marriage solemnization.

## REPORT OF STANDING COMMITTEE

April 6, 1979.

ENGROSSED HOUSE BILL NO. 338, extending the time period for marriage solemnization (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 6, strike all the material down through and including "that" on line 8 and insert "~~(PROVIDED, That in addition, the affidavits of both applicants they are for such marriage license shall show that))~~"

On page 2, beginning on line 23, insert a new section to read as follows:

"Sec. 3. Section 419, chapter 249, Laws of 1909 and RCW 26.04.250 are each amended to read as follows:

Every person who shall solemnize a marriage when either party thereto is known to him to be under the age of legal consent(~~or to be an idiot, insane person, habitual criminal or common drunkard,~~) or a marriage to which, within his knowledge, any legal impediment exists, shall be guilty of a gross misdemeanor."

On page 1, line 7, after "26.04.210;" insert "amending section 419, chapter 249, Laws of 1909 and RCW 26.04.250;"

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Clarke, Gallagher, Hayner, Jones and Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 338, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 338, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 338, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Wojahn, House Bill No. 58 was made a special order of business for 4:30 p.m. today.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 367, by Committee on Education (originally sponsored by Representatives Chandler, Heck, Whiteside, Bauer, Bender, Taller, Tupper and Mitchell):

Having state board of education examine and accredit all public schools within a school district.

## REPORT OF STANDING COMMITTEE

February 28, 1979.

SUBSTITUTE HOUSE BILL NO. 367, having state board of education examine and accredit all public schools within a school district (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 19, after the "." add a section 2 which reads as follows:

"Sec. 2. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 97, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.101 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights, including but not limited to short-term and long-term suspensions. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.04.132. Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, superintendent of public instruction and state board of education rules and regulations and rules and regulations of the school district.

For the purpose of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.04.132."

On line 5 of the title, after "28A.04.120" and before the period insert "; and amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 97, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.101"

Signed by: Senators McDermott, Chairman; Gaspard, Vice Chairman; Morrison, Ridder, Talmadge.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendment was adopted.

On motion of Senator McDermott, the committee amendment to the title was adopted.

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 367, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Guess: "Senator McDermott, can you tell me what the rationale is for the school board having the power to accredit private schools when we do not support them?"

Senator McDermott: "We have the responsibility of making sure that the program—maybe you had better tell me what part of the bill you are talking about."

Senator Guess: "I am just looking at the summary and it says: 'The bill authorizes accreditation by the state board of education for all schools that apply for

such accreditation. Accreditation may be extended to both public and private schools."

Senator McDermott: "That has been in the law. It says 'may'. They may do it. They do not have to do it. If somebody applies to be accredited, the state may do it. It is not a mandatory thing. It does not change anything that is going on now."

#### POINT OF INQUIRY

Senator Hayner: "Senator McDermott, in view of the fact that we have passed the Basic Education Act and we are now amending it and this tells the school districts exactly what kind of courses they must offer, the time frames and much other information such as that, would you please explain to me why this bill is necessary, why we have to have accreditation at all?"

Senator McDermott: "I had some similar questions myself. I talked to the school directors' association about why they wanted it and they wanted it more than anything to just bring the whole system into one piece. Right now it is unclear as to who does accreditation of K through 8 and so this bill brings that in."

Senator Hayner: "Do you presume that there will be a fiscal impact of this? If all of the schools apply for this, for example, is the superintendent of public instruction's office going to then send someone out to be sure and they have to respond to a lot of questionnaires and that sort of thing?"

Senator McDermott: "I assume that if we pass 2709 or some version of that where we set up rules for the possibility of the state superintendent giving them the right to comply, the basis on which to comply with basic ed, I should think there would be no problem."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 367, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gaspard, Goltz, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Talmadge, Van Hollebeke, Vognild, Walgren, Williams, Wojahn, Woody—29.

Voting nay: Senators Benitz, Bluechel, Gallagher, Gould, Guess, Hansen, Hayner, Jones, Lewis, Pullen, Quigg, Scott, Sellar, Shinpoch, Talley, von Reichbauer, Wanamaker, Wilson—18.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 367, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 438.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 438, by Committee on Social and Health Services (originally sponsored by Representatives Gruger, Adams, Fancher, Haley, Brekke, Tupper, Taller, Erickson, Sherman, Lux, Pruitt, Kreidler, D. Nelson and Burns):

Establishing law enforcement procedures for domestic violence cases.

## REPORT OF STANDING COMMITTEE

April 5, 1979.

SUBSTITUTE HOUSE BILL NO. 438, establishing law enforcement procedures for domestic violence cases (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24, after "criminal" strike "and civil"

On page 3, line 12, after "The" strike "victim" and insert "parties"

On page 3, line 17, after "officer" strike "shall, where circumstances permit," and insert "may"

On page 3, line 35, after "that" strike "the injured" and insert "either"

On page 4, line 3, after "person," strike "including the person's attorney" and insert "other than the attorney of a criminal defendant,"

On page 4, line 5, after "violence" and before the semicolon insert ": PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location"

On page 4, line 9, after "(2)" strike "When" and insert "Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when"

On page 4, beginning on line 12, after "victim" insert a period and strike the balance of the section and insert "Wilful violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A RCW and is also subject to civil contempt proceedings. A certified copy of such order shall be provided to the victim."

On page 4, line 35, after "violence" and before the period insert "brought by any party to the incident"

Signed by: Senators Day, Chairman; Moore, Vice Chairman; Quigg, Talmadge, Vognild.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 438, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Day, today is an important day. This is new legislation. On page 1, line 25, it says, 'Furthermore, it is the intent of the legislature that criminal and civil laws be enforced without regard to whether persons involved were married, cohabitating or involved in a relationship.' I am confused."

Senator Day: "You are confused because you did not listen to my explanation of the amendment the committee put on. The first amendment strikes the word 'civil' in the very language that you read, so that is now reads: 'Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether persons are married' etc. Consequently, it does not leave the inference that the state by saying civil laws condones cohabitation or people living under other arrangements. Does that make you feel better, Senator?"

Senator Rasmussen: "No, Senator Day. I am wondering what is a criminal relationship."

Senator Day: "It does not say criminal relationship. It says the intent of the legislature that criminal laws be enforced without regard to whether, regardless of what situation a person is in. Certainly we want the criminal laws enforced regardless, Senator, and that is what this now says, which should clear up your concern."

Senator Rasmussen: "Frankly, Senator Day, I am concerned that I might be involved in a relationship that might be determined as criminal and not know what it is."

Senator Day: "All this says is criminal laws are going to be upheld, Senator. It does not say anything about a criminal relationship."

Senator Rasmussen: "I think it is pretty broad."

Senator Day: "I will withhold the comment that flashed through my mind."

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 438, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 438, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 450.

### SECOND READING

ENGROSSED HOUSE BILL NO. 450, by Representatives Adams, Haley, Gruger, Mitchell, May, Thompson, Whiteside, Brekke, Schmitt, Barr, King, Bauer, Brown, Salatino, Becker, Kreidler, Scott, Williams, Maxie and Lux:

Requiring continuing education for nurses.

The bill was read the second time by sections.

On motion of Senator Day, the following amendments were adopted:

On page 1, line 19, after "been" strike "meet" and insert "met"

On page 1, line 23, after "board." strike "Costs" and insert "The department's costs"

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Rasmussen:

On page 1, line 11, after "renewal" insert:

"**PROVIDED**, That membership in an organization shall not be a prerequisite or condition to the fulfillment of any continuous education requirement established as provided herein; **PROVIDED FURTHER**, That the board shall validate and administer all educational programs established as provided herein"

Senator Day moved adoption of the following amendment to the amendment by Senators Bluechel and Rasmussen:

On line 4 of the amendment to page 1, line 11, strike "and administer"

Debate ensued.

The motion by Senator Day carried and the amendment to the amendment by Senators Bluechel and Rasmussen was adopted.

The motion by Senator Bluechel carried and the amendment, as amended, was adopted.

On motion of Senator Gould, the following amendment was adopted:

On page 1, after "fees" on line 24 insert ": PROVIDED FURTHER, That the power of the board to establish continuing nursing education requirements as a condition of license renewal shall terminate on January 1, 1986, unless extended by law for an additional fixed period of time"

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 450, 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. 450, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Absent or not voting: Senator Matson—1.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 450, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 571.

### SECOND READING

ENGROSSED HOUSE BILL NO. 571, by Representatives Smith (R), Newhouse, Knowles, Tilly and Isaacson:

Modifying the criminal records privacy act.

The bill was read the second time by sections.

On motion of Senator Marsh, the rules were suspended, Engrossed House Bill No. 571 was advanced to third reading, the second 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. 571 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 481.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 481**, by Committee on Financial Institutions (originally sponsored by Representatives Chandler, Sommers, Thompson, Winsley, R. Smith, Amen, Owen, Blair, Polk, O'Brien, G. Nelson, Sherman, Grimm, Fancher, Eng, Bond, Heck, Mitchell, Tupper and Patterson):

Permitting certain persons and institutions to prepare documents relating to the sale of property.

## REPORT OF STANDING COMMITTEE

April 5, 1979.

**SUBSTITUTE HOUSE BILL NO. 481**, permitting certain persons and institutions to prepare documents relating to the sale of property (reported by Committee on Financial Institutions and Insurance):

**MAJORITY recommendation:** Do pass with the following amendments:

On page 3, beginning on line 3, strike all of section 3.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 4, after "RCW;" and before "and" strike "adding a new section to chapter 19.86 RCW;"

Signed by: Senators Bausch, Chairman; Bluechel, Clarke, Jones, von Reichbauer.

The bill was read the second time by sections.

Senator Bausch moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Bottiger: "Senator Bausch, the explanation for the removal of that section, as I read it, comparing it to section 2 which provides the requirement that the purchaser be notified, that same requirement appears in section 3 at the bottom. As I understand that, you are removing from the chapter 19.86 which is the unfair and deceptive practices act, you are going to put that section in that act, and I need to know a little bit more about why it was considered vague and you say the attorney general's consumer fraud division appeared and testified in favor of removing it?"

Senator Bausch: "Briefly, yes, and then I will defer to Senator Clarke. It was felt that it was redundant and also that it gives them too many broad powers and they felt that it should be tightened up in behalf of the consumer."

## REMARKS BY SENATOR CLARKE

Senator Clarke: "Further answering, the bill as originally proposed, Senator Bottiger, would in effect have insulated all of those acts from the Consumer Protection Act and by removing this section, it simply leaves them within the Consumer Protection Act if, without this law, they would fall within it, so that was why the attorney general's office wanted it."

The motion by Senator Bausch carried and the committee amendment was adopted.

Senator Hayner moved adoption of the following amendment by Senators Hayner and North:

On page 1, beginning on line 7, strike all of section 1.

Renumber remaining sections consecutively.

### POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, I was looking through this bill quickly. I do not see massage parlors in here and our sheriff is after them in our county and if it was in there I would certainly go along with you in striking out this section. However, I was looking over on page 2, it says 'no person or entity makes an additional charge for the selection, preparation or completion of any such document or instrument.' My question is, that would be in line with the recent supreme court decision then, wouldn't it, what was it, Great Western, where they are charging for making out documents? This would permit them to make out necessary documents as long as they did not charge for them?"

Senator Hayner: "Yes. The *Washington Bar Association v. the Great Western Savings and Loan* said that they could not enter into agreements and charge for that. They could not draft legal instruments and charge for that where they were a part of that agreement. Now it was not before the supreme court, whether or not they could draft third party agreements between two other parties in which they might be interested in a very minor way. So that decision was not made by the supreme court in that case."

Senator Rasmussen: "My next question would be, there is nothing in here that prohibits any person from going to their own attorney and have the documents drawn?"

Senator Hayner: "No, there is not, and there is also nothing to prevent the bank from drafting an instrument and entering into an agreement with another party on that instrument as long as they do not charge a fee for it. That is what the supreme court says, and this bill does not change that."

Senator Rasmussen: "Then I fail to see why you want to take section 1 out."

Senator Hayner: "Section 2 says that—this bill also deals with third party instruments, Senator Rasmussen, and I think this goes far too far to say that it is in the public interest to let a group of people, many of whom have had no training in this field whatsoever, to draft third party instruments. Now if you and I want to enter into an instrument, we are certainly free to do that at any time, but when you are giving financial institutions the right to draft third party instruments and give these people the right to rely on them, that they are going to do such a great job, then you are going far beyond, I think, what is in the public interest."

Debate ensued.

### POINT OF INQUIRY

Senator Scott: "Now that three lawyers have stood up, I guess I can stand up. I find nothing in lines 8 through 28 on page 1 that people listed are all professionals in the field nor do I find a motive for them doing anything that they are not very familiar with. I do not think we are saying that lawyers are excluded as a matter of public policy in that deliberate sense. We are saying there is no reason why these people cannot do it. Now why can't they do it?"

Senator Hayner: "I guess that the reason I object to their doing it is because lawyers go to school for a minimum of seven years. They take a very difficult bar examination. In addition to that, they have continuing education which they have to do every year if they are going to maintain their license. I have to assume, on the basis of that, these legal instruments are not as simple as some of the nonprofessionals seem to think they are, and if you want me to relate a parade of horrors I can do so on some of these things which have happened by real estate people and others who have drafted these instruments without realizing the effect."

The motion by Senator Hayner carried and the amendment was adopted.

On motion of Senator Hayner, the following amendment by Senators Hayner and North was adopted:

On page 2, line 20, strike "including but not"

On motion of Senator Bausch, the committee amendment to the title was adopted.

On motion of Senator Bausch, the rules were suspended, Substitute House Bill No. 481, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Lysen: "Mr. President, is this a filibuster? Is there a time rule or anything?"

#### REMARKS BY THE PRESIDENT

President Cherberg: "There is no time limit, Senator Lysen."

#### REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Hayner makes good sense when she speaks. I think we should give her the courtesy of letting the lady talk."

#### REMARKS BY THE PRESIDENT

President Cherberg: "The President believes that Senator Hayner is confining her remarks to the bill."

#### MOTION

On motion of Senator Walgren, the three minute rule will be in force on debate for the remaining time of the session today.

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 481, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Jones, Lewis, Lysen, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Wilson, Wojahn, Woody—37.

Voting nay: Senators Day, Guess, Hayner, Lee, Marsh, McDermott, Moore, Pullen, Talmadge, Williams—10.

Absent or not voting: Senator Henry—1.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 481, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Walgren, Engrossed House Bill No. 933 will be considered following Substitute House Bill No. 1057.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 1045.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1045, by Committee on Appropriations (originally sponsored by Representative McDonald) (by Department of Retirement request):

Governing retirement coverage of CETA employees.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Substitute House Bill No. 1045 was advanced to third reading, the second 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. 1045 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Voting nay: Senators Talmadge, Vognild—2.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 1045, having received the constitutional majority, 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. 1057, by Committee on State Government (originally sponsored by Representatives Taller and Ehlers):

Specifically excepting certain contracts for services from coverage of the state higher education personnel law and the state civil service law.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1057 was advanced to third reading, the second 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. 1057 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

SUBSTITUTE HOUSE BILL NO. 1057, having received the constitutional majority, 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. 933, by Representatives Patterson, Keller, Erickson and Mitchell:

Revising the provisions relating to annexation of territory by public hospital districts.

## REPORT OF STANDING COMMITTEE

April 4, 1979.

ENGROSSED HOUSE BILL NO. 933, revising the provisions relating to annexation of territory by public hospital districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 28, after "(6)" strike all the material before the period on line 30 and insert the following: "The annexation procedure provided for in RCW 70.44.200 shall be an alternative method applicable only when at the time a petition is filed pursuant to RCW 70.44.200 there are no qualified electors residing in the territory to be annexed"

Signed by: Wilson, Chairman; Bluechel, Lee, Moore, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment was adopted.

On motion of Senator Fleming, the following amendment by Senators Fleming, Jones and McDermott was adopted:

On page 2, following section 1 add new sections to read as follows:

"Sec. 2. Section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.005 are each amended to read as follows:

The purpose of this chapter is to authorize the establishment of public hospital districts to own and operate hospitals, nursing homes, extended care, outpatient, and rehabilitative facilities, contiguous with or within such facilities or hospitals, and ambulances, and to supply hospital, nursing home, extended care, outpatient, rehabilitative, health maintenance, and ambulance service for the residents of such districts and other persons(~~(- PROVIDED, That hospital districts will not construct nursing homes when such facilities are already available. PROVIDED FURTHER, That districts located in counties having a population of over eighteen thousand may not construct nursing homes)).~~

NEW SECTION. Sec. 3. 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 motion of Senator Pullen, the following amendment by Senators Pullen and Day was adopted:

On page 2, after line 30, insert the following:

"Sec. 2. Section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 211, Laws of 1977 ex. sess. and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility: AND PROVIDED, FURTHER, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2).

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue (a) revenue bonds or warrants therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds or warrants to be issued in the same manner and subject to the same provisions as provided for the issuance of revenue bonds or warrants by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended or (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44-.110 to 70.44.130, inclusive, as may hereafter be amended; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed seventy-five cents per thousand dollars of

assessed value or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To mortgage land owned by the district, together with any improvements located thereon, for the purpose of constructing hospital or other health care facilities. The issuance of a mortgage and note under this subsection shall not be subject to the applicable limitations and requirements provided in RCW 39.36.020 as now or hereafter amended: PROVIDED, That such mortgage and note shall be authorized by an affirmative vote of the voters of said district voting at a general election or an election held for that purpose.

(8) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

~~((#))~~ (9) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

~~((#))~~ (10) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

~~((#))~~ (11) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter."

On motion of Senator Fleming, the following amendment to the title was adopted:

In line 2 of the title after "70.44.200" and before the period insert "; amending section 1, chapter 264, Laws of 1945 as amended by section 1, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.005; and creating a new section"

On motion of Senator Fleming, the following amendment by Senator Pullen to the title was adopted:

On page 1, on line 1 of the title, after "districts;" strike "and" and on line 2, after "70.44.200" insert "; and amending section 6, chapter 264, Laws of 1945 as last amended by section 1, chapter 211, Laws of 1977 ex. sess. and RCW 70.44.060"

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 933, 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. 933, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—43.

Voting nay: Senators Guess, Scott, Wanamaker—3.

Absent or not voting: Senators Hayner, Henry—2.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 933, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### STATEMENT FOR THE JOURNAL

April 11, 1979.

I wish it to be a matter of record that my vote on the Fleming amendment on page 2, adding section 2 to Engrossed House Bill 933 was "no". The vote on the Fleming amendment was an oral vote and therefore not recorded.

Signed: SENATOR MARCUS A. GASPARD

### MOTIONS

On motion of Senator Wilson, Senator Bausch was excused.

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 1115.

### SECOND READING

HOUSE BILL NO. 1115, by Representatives Burns, Blair, Walk, Fuller and Winsley (by Executive request):

Consolidating the administrative support functions of certain boards.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1115 was advanced to third reading, the second 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. 1115 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Excused: Senator Keefe—2.

HOUSE BILL NO. 1115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 689.

## SECOND READING

ENGROSSED HOUSE BILL NO. 689, by Representatives Hughes, Owen, Grimm, Schmitt, Barr, Sherman, Heck, Williams, Nisbet, McGinnis, Vrooman, Keller, Sommers, Walk, Galloway, Monohon, Scott, Granlund, Pruitt, Hurley and Addison:

Requiring persons convicted of littering to pick up or remove the deposited litter.

The bill was read the second time by sections.

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 689 was advanced to third reading, the second 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. 689 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—47.

Voting nay: Senator Van Hollebeke—1.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 1126.

SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1126**, by Committee on Constitution, Elections and Governmental Ethics (originally sponsored by Representative Eberle):  
Setting the commencement date for annual legislative sessions.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Substitute House Bill No. 1126 was advanced to third reading, the second 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. 1126 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Henry, Jones, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—44.

Voting nay: Senators Hayner, Lee, Pullen—3.

Absent or not voting: Senator Conner—1.

Excused: Senator Keefe—1.

**SUBSTITUTE HOUSE BILL NO. 1126**, having received the constitutional majority, 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. 1133**, by Representative Sanders:  
Defining and regulating "continuing political funds".

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 1133 was advanced to third reading, the second 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. 1133 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

**ENGROSSED HOUSE BILL NO. 1133**, having received the constitutional majority, 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. 1221**, by Representatives Oliver and Erickson:  
Regulating state agency lobbying.

## REPORT OF STANDING COMMITTEE

April 6, 1979.

HOUSE BILL NO. 1221, regulating state agency lobbying (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 19, chapter 1, Laws of 1973 as last amended by section 6, chapter 313, Laws of 1977 ex. sess. 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 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 authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds ~~((shall))~~ may be used directly or indirectly for lobbying: PROVIDED, This ~~((shall))~~ does not prevent officers or employees of an agency 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))~~ does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds ~~((shall))~~ may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" ~~((shall))~~ means a voluntary transfer of any thing of value without consideration of equal or greater value, but ~~((shall))~~ does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section ~~((shall))~~ does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) ~~Each ((state agency which expends state funds for lobbying pursuant to an express authorization by law and each)) state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying ((pursuant to the authorization contained in subsection (3) of this section 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)) shall file with the commission, except as exempted by subsection (4)(d) of this section, 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 elected official, officer, or employee directly engaged in such ((activities)) lobbying, a general description of the nature of the ((activities)) lobbying, and the proportionate amount of time spent on the ((activities)) lobbying;

(c) ~~((An itemized))~~ A listing of any special expenditures incurred by the agency primarily for such ((activities)) lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of subsection (4) of this section the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between state agencies;

(v) Any other lobbying to the extent that it includes:

(A) Appearances before public sessions of committees of the legislature or public hearings of state agencies;

(B) Telephone conversations or preparation of written correspondence;

(C) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period and in-person lobbying by any elected official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying 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 do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemptions provided in (A) and (B) of this subsection;

(D) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within ~~((thirty days))~~ one month after the end of the quarter covered by the report.

(5) In lieu of reporting under subsection (4) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (4) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(6) The provisions of this section ((shall)) do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 3, after line 30, insert the following additional section:

"Sec. 2. Section 13, chapter 1, Laws of 1973 as amended by section 6, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.130 are each amended to read as follows:

((+)) No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to ((those)) the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency."

Re-number section 2 of the previously amended bill as section 3, if necessary.

In line 1 of the title, after "to" strike "state"

In line 1 of the title, after "lobbying;" strike "and" and in line 3, after "42.17.190" and before the period insert "; and declaring an emergency"

In line 1 of the title, after "lobbying;" insert "amending section 13, chapter 1, Laws of 1973 as amended by section 6, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.130;"

Signed by: Senators Woody, Chairman; Bottiger, Hayner, Lewis, Marsh, Pullen.

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 committee amendments to the title were adopted.

On motion of Senator Woody, the rules were suspended, House Bill No. 1221, 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, I just glanced at this bill and I have not had time to thoroughly study it. It kind of sneaked up on me. My question is, this will allow public bodies to spend money for pro or con against legislation?"

Senator Woody: "No, it will not. It simply allows them to make a public statement."

Senator Rasmussen: "In what manner do they make this public statement, by putting out circulars or putting an ad in the paper or just saying 'I do, this is good'?"

Senator Woody: "It allows them to make a public statement in a public meeting of which they have previously advertised that they will be addressing themselves to a specific ballot issue. They cannot expend any monies in support or opposition of a ballot measure."

Senator Rasmussen: "I am trying to get the intent on the record then, Senator Woody. It is the intent that they be not allowed to spend any money espousing their views, public money?"

Senator Woody: "That is right."

#### POINT OF INQUIRY

Senator Bottiger: "Senator Woody, giving you a hypothetical and asking you to respond and perhaps making a slight statement that I hope, obviously, gets in the record. At the committee we discussed the question of whether one of us wrote a letter explaining the effects of a school levy, I think as some of us have done, explaining that the legislature intends to have a rollback in the budget and there would not be any free windfall. Could we write that letter on our stationery and if the group in support of the levy decided to reprint our letter, they would be permitted to do that and that would not be an infraction?"

Senator Woody: "Yes, that is correct because your letter would be in response to a specific inquiry and that language is in the bill."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1221, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 1221, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS SECOND READING

HOUSE BILL NO. 58, by Representatives May, Gallagher, Sanders, Owen, Lux, Schmitten, Teutsch, Martinis, Deccio, Hurley, Maxie, Newhouse, Knowles, Struthers, Adams, Hughes, Prubitt, Charnley, Clayton, Erak and Houchen:

Prohibiting blind bidding for feature motion pictures.

The time having arrived, the Senate commenced consideration of House Bill No. 58.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, House bill No. 58 was advanced to third reading, the second 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. 58 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Fleming, Gallagher, Gaspard, Goltz, Gould, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, McDermott, Moore, Morrison, Newschwander, North,

Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—45.

Voting nay: Senators Donohue, Matson—2.

Absent or not voting: Senator Guess—1.

Excused: Senator Keefe—1.

HOUSE BILL NO. 58, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of House Bill No. 888.

### SECOND READING

HOUSE BILL NO. 888, by Representatives Zimmerman and Heck:

Authorizing use of a rehabilitation center.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, House Bill No. 888 was advanced to third reading, the second 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. 888 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

HOUSE BILL NO. 888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed House Bill No. 954.

### SECOND READING

ENGROSSED HOUSE BILL NO. 954, by Representatives Sanders and Garrett:

Revising laws relating to annexation by code cities.

### REPORT OF STANDING COMMITTEE

April 9, 1979.

ENGROSSED HOUSE BILL NO. 954, revising laws relating to annexation by code cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 9, beginning on line 7, strike all material down to and including the word "entity" on line 18 and insert the following:

"Whenever a first class city owns and operates a municipal airport which is located in an unincorporated area of a county, the airport shall be subject to the county's comprehensive plan and zoning ordinances in the same manner as if the airport were privately owned and operated"

Signed by: Senators Wilson, Chairman; Bluechel, Fleming, Lee, North, Sellar.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendment was adopted.

On motion of Senator North, the rules were suspended, Engrossed House Bill No. 954, 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. 954, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shipoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 954, as amended by the Senate, having received the constitutional majority, was declared passed. 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, the Senate commenced consideration of Engrossed Substitute House Bill No. 29.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Ehlers, Taller, Struthers, Nelson (G.A.), Walk, Sanders, Barr, Jovanovich, Barnes, Williams, Oliver, Knowles, Scott, Whiteside, Pruitt, Granlund, Sherman, Brekke and Brown) (by House Committee on State Government of 45th Legislature request):

Creating a joint legislative committee to review agency rules.

The bill was read the second time by sections.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard, Gould, Wilson, Walgren and Rasmussen;

Strike everything after the enacting clause, and insert the following:

"Section 1. Section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010 are each amended to read as follows:

((For the purpose of this chapter:)) The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative

sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state highway commission.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases shall also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(6) "Rules review committee" or "committee" means either of the administrative rules review committees created pursuant to section 4 of this 1979 act for the purpose of selectively reviewing existing and proposed rules of state agencies.

Sec. 2. Section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committees, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by the rules review committees, or by an association having not less than twenty-five members.

(2) The agency shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to

properly comment on the rule without further notice, new notice of the agency's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The agency shall consider fully all written and oral submissions respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refileing the notice required by this section. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

~~((2))~~ (4) No proceeding (shall) may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

~~((3))~~ (5) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, (or, if) unless it is an emergency rule designated as such(;) and is adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

Sec. 3. Section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030 are each amended to read as follows:

~~((1))~~ If the agency finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the agency may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The agency's finding and a (brief) concise statement of the reasons for its finding shall be incorporated in the emergency rule or amendment as filed with the office of the code reviser under RCW 34.04.040 and with the rules review committees. An emergency rule or amendment (shall) may not remain in effect for longer than ninety days after filing. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

~~((2) The emergency rule published in the register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon its filing with the code reviser in accordance with RCW 34.04.040(2).)~~

NEW SECTION. Sec. 4. There is added to chapter 34.04 RCW a new section to read as follows:

(1) In each house of the legislature there shall be a rules review committee. Each committee shall be bipartisan and shall consist of four members from each house of the state legislature. The members of the senate committee shall be appointed by the majority leader of the senate, and the members of the house committee shall be appointed by the speaker of the house. Not more than two members from each house shall be from the same political party. Each appointment to a committee shall be subject to approval by the caucus to which the appointed member belongs.

(2) The initial members of each committee shall be appointed as soon as possible after the effective date of this 1979 act, and shall serve until the next regular

session of the legislature convenes. Thereafter members shall be appointed as soon as possible after the legislature convenes in regular session, and their terms shall extend until the legislature next convenes in regular session or until such members no longer serve in the legislature, whichever occurs first. Members may be reappointed to a committee.

(3) The majority leader of the senate shall appoint the chairperson of the senate committee from among committee membership. The speaker of the house shall appoint the chairperson of the house committee from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes. If no session is convened, such appointments shall be made as soon as possible after the second Monday in January of each year.

(4) Vacancies on the committee shall be filled as soon as possible from the same political party as original appointments.

(5) Whenever the committees meet jointly pursuant to sections 5 through 7 of this 1979 act, the chairperson of the senate rules review committee shall preside over such joint meetings in odd-numbered years, and the chairperson of the house rules review committee shall preside over such joint meetings in even-numbered years.

(6) The committees shall adopt rules governing the conduct of their business, not in conflict with joint rules of the legislature or rules of the house and senate.

**NEW SECTION.** Sec. 5. There is added to chapter 34.04 RCW a new section to read as follows:

Whenever a majority of the members of each review committee, meeting jointly, determine that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the review committees shall give the affected agency written notice of their decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.04.025(1)(a)(iii) as now or hereafter amended. The notice shall include a statement of the review committees' joint findings and the reasons therefor.

**NEW SECTION.** Sec. 6. There is added to chapter 34.04 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 as now or hereafter amended, are subject to selective review by the legislature.

(2) If each rules review committee finds by a majority vote of its members in a joint meeting: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that the rule has not been adopted in accordance with all applicable provisions of law, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committees' notice the agency shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the rules review committees' findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The agency shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

**NEW SECTION.** Sec. 7. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committees pursuant to section 5 or 6 of this 1979 act,

the affected agency shall notify the committees of its action regarding a proposed or existing rule to which the committees objected. If the rules review committees determine, by a majority vote of their members in a joint meeting, that the agency has failed to provide for the required hearings or notice of its action to the committees, the committees may file notice of their objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committees find, by a majority vote of their members in a joint meeting, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, the rules review committees may, within thirty days from notification by the agency of its action, file with the code reviser notice of their objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committees.

(3) The code reviser shall publish the rules review committees' notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committees' objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committees.

NEW SECTION. Sec. 8. There is added to chapter 34.04 RCW a new section to read as follows:

(1) The committees may recommend to the legislature that the original enabling legislation serving as authority for the promulgation of any rule reviewed by the committees be amended or repealed in such manner as the committees deem advisable.

(2) The creation of the rules review committees does not preclude any standing committee of the legislature from conducting studies of agency rules, holding hearings on rules, providing staff assistance to the rules review committees, referring questionable rules to the rules review committees, or making recommendations to the legislature that the original enabling legislation for an agency be amended or repealed.

(3) The rules review committees shall report on their activities, including findings and recommendations with respect to rule-making procedures of state agencies and institutions of higher education, thirty days prior to the convening of the regular session of the legislature in 1981.

NEW SECTION. Sec. 9. There is added to chapter 34.04 RCW a new section to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of nonconformance required by sections 6(2) and 7(2) of this 1979 act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

Sec. 10. Section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020 are each amended to read as follows:

The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise((:)).

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington

University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

(3) "Contested case" means a formal or informal proceeding before an institution of higher education, division, department, office, or designated official or representative thereof in which an opportunity for hearing is required by law, constitutional rights, or institutional policy, prior or subsequent to the determination by the institution of the legal rights, duties, or privileges of specific parties.

(4) "Rules review committee" or "committee" means either of the administrative rules review committees created pursuant to section 4 of this 1979 act for the purpose of selectively reviewing existing and proposed rules of institutions of higher education.

Sec. 11. Section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committees, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered;

~~((c))~~ (d) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons or by the rules review committees.

(2) The institution shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the institution's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The institution shall consider fully all written and oral statements respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refileing the notice required by this section.

~~((2))~~ (4) No proceeding ~~((shall))~~ may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

~~((3))~~ (5) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, ~~((or, if))~~ unless it is an emergency rule designated as such(:) and is adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

~~((4))~~ (6) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection ~~((2))~~ (4) of this section, the code reviser ~~((shall))~~ may not publish such rule, and such rule ~~((shall))~~ may not be effective for any purpose.

Sec. 12. Section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040 are each amended to read as follows:

If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a ~~((brief))~~ concise statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser and with the appropriate review committee. An emergency rule or amendment ~~((shall))~~ may not remain in effect for longer than ninety days after filing.

Emergency rules ~~((shall))~~ become effective upon filing with the code reviser unless an effective date is specified in the rule. ~~((The emergency rule published in the state register is solely to inform the public of its adoption, and nothing in this section shall be construed to prevent the implementation of the rule upon such filing.))~~

NEW SECTION. Sec. 13. There is added to chapter 28B.19 RCW a new section to read as follows:

Whenever a majority of the members of each review committee, meeting jointly, determine that a proposed rule is not within the intent of the legislature as

expressed in the statute which the rule implements, the review committees shall give the affected institution written notice of their decision. Such notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 28B.19.030(1)(a)(iii) as now or hereafter amended. The notice shall include a statement of the review committees' findings and the reasons therefor.

**NEW SECTION.** Sec. 14. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) All rules required to be filed pursuant to RCW 28B.19.050, and emergency rules adopted pursuant to RCW 28B.19.040 as now or hereafter amended, are subject to selective review by the legislature.

(2) If each rules review committee finds by a majority vote of its members in a joint meeting: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, or (b) that the rule has not been adopted in accordance with all applicable provisions of law, the institution affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committees' notice the institution shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the institution for advance notice of its rule-making proceedings as provided in RCW 28B.19.030 as now or hereafter amended. The institution's notice shall include the rules review committees' findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(3) The institution shall consider fully all written and oral submissions respecting whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

**NEW SECTION.** Sec. 15. There is added to chapter 28B.19 RCW a new section to read as follows:

(1) Within seven days of an institution hearing held after notification of the institution by the rules review committees pursuant to section 13 or 14 of this 1979 act, the affected institution shall notify the committees of its action regarding a proposed or existing rule to which the committees objected. If the rules review committees determine, by a majority vote of their members in a joint meeting, that the institution has failed to provide for the required hearings or notice of its action to the committees, the committees may file notice of their objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committees find, by a majority vote of their members in a joint meeting, that the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the institution so as to conform with the intent of the legislature, the rules review committees may, within thirty days from notification by the institution of its action, file with the code reviser notice of their objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the institution by the rules review committees.

(3) The code reviser shall publish the rules review committees' notice of objection and statement of the reasons therefor issued pursuant to subsection (1) or (2) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committees' objection and to the issue of the Washington state register in which the full text thereof appears.

(4) Such notice shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the

rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committees.

**NEW SECTION.** Sec. 16. There is added to chapter 28B.19 RCW a new section to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of nonconformance required by sections 14(2) and 15(2) of this 1979 act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

**NEW SECTION.** Sec. 17. Section 1, chapter 186, Laws of 1963 and RCW 34.04.160 are each hereby repealed.

**NEW SECTION.** Sec. 18. If any provision of this 1979 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. 19. The rules review committees shall cease to exist on July 1, 1981, unless extended by law for an additional fixed period of time."

On motion of Senator Matson, the following amendments by Senators Matson and Clarke to the amendment by Senators Odegaard, Gould, Wilson, Walgren and Rasmussen were adopted:

On page 7 line 30 after "the" and before "of" strike "majority leader" and insert: "president"

On page 8, line 17 after "the" and before "of" strike "majority leader" and insert: "president"

The motion by Senator Odegaard carried and the amendment, as amended, was adopted.

On motion of Senator Odegaard, the following amendment by Senators Odegaard, Gould, Wilson, Walgren and Rasmussen to the title was adopted:

In line 1 of the title, after "government;" strike the remainder of the title, and insert "amending section 1, chapter 234, Laws of 1959 as amended by section 1, chapter 237, Laws of 1967 and RCW 34.04.010; amending section 3, chapter 237, Laws of 1967 as last amended by section 7, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.025; amending section 3, chapter 234, Laws of 1959 as amended by section 8, chapter 240, Laws of 1977 ex. sess. and RCW 34.04.030; amending section 2, chapter 57, Laws of 1971 ex. sess. as amended by section 42, chapter 169, Laws of 1977 ex. sess. and RCW 28B.19.020; amending section 3, chapter 57, Laws of 1971 ex. sess. as amended by section 10, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.030; amending section 4, chapter 57, Laws of 1971 ex. sess. as last amended by section 11, chapter 240, Laws of 1977 ex. sess. and RCW 28B.19.040; adding new sections to chapter 28B.19 RCW; adding new sections to chapter 34.04 RCW; repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160; and providing a termination date."

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute House Bill No. 29, 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. 29, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bausch, Benitz, Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder,

Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, as amended by the Senate, having received the 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, House Bill No. 860 was made a special order of business for 4:55 p.m. today.

On motion of Senator Walgren, the Senate commenced consideration of Substitute House Bill No. 76.

There being no objection, on motion of Senator Wilson, Substitute House Bill No. 76 will be considered after 5:00 p.m. today.

### SPECIAL ORDER OF BUSINESS SECOND READING

HOUSE BILL NO. 860, by Representatives Van Dyken, Becker, Charnley, Zimmerman, Sherman, Rosbach and McGinnis:

Revising the guidelines for decisions of boundary review boards.

The time having arrived, the Senate resumed consideration of House Bill No. 860 and the following amendment by Senators Marsh, Matson and Donohue moved for adoption on Tuesday, April 10, 1979:

On page 2, after line 21 add a subsection as follows:

"(10) Provide reasonable assurance that the extension of municipal services and the additional payments to be made by the property owners of the area to be annexed in the form of taxes bear a reasonable relation to the value of the additional municipal services to be received. This objective shall apply only to cities with a population of 400,000 or more which initiates a resolution for annexation proceedings."

Senator Ridder moved adoption of the following amendment to the amendment by Senators Marsh, Matson and Donohue:

On line 4, after "received," strike the balance of the amendment.

The motion by Senator Ridder failed and 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 Marsh, Matson and Donohue.

Debate ensued.

### POINT OF INQUIRY

Senator McDermott: "Senator Marsh, would you give me a definition for the word 'reasonable' please, as used in the phrase 'provide reasonable assurance'?"

Senator Marsh: "Generally speaking, when we talk about reasonable, it is what reasonable men would agree to. We talk about the reasonable prudent man rule, and I would think that reasonable there would be what a jury of contemporaries would decide to be reasonable. It is flexible and it depends on the circumstance."

Senator McDermott: "Are you saying that it will be decided in court or are you saying that it will be decided by the vote of the boundary committee or those being annexed say they are not getting reasonable treatment? Who will make that decision as to what is reasonable?"

Senator Marsh: "The boundary review board."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senators Marsh, Matson and Donohue.

### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 32; nays, 14; absent or not voting, 2; excused, 1.

Voting yea: Senators Bausch, Bluechel, Clarke, Day, Donohue, Gallagher, Gaspard, Gould, Guess, Hansen, Hayner, Henry, Jones, Lewis, Marsh, Matson, Moore, Morrison, Newschwander, North, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Vognild, von Reichbauer, Wanamaker, Wojahn—32.

Voting nay: Senators Bottiger, Conner, Fleming, Goltz, Lysen, McDermott, Odegaard, Ridder, Talmadge, Van Hollebeke, Walgren, Williams, Wilson, Woody—14.

Absent or not voting: Senators Benitz, Lee—2.

Excused: Senator Keefe—1.

On motion of Senator Marsh, the rules were suspended, 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.

### MOTION

On motion of Senator Jones, Senator Benitz was excused.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 860, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Bausch, Bluechel, Clarke, Conner, Day, Donohue, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Scott, Sellar, Shinpoch, Talley, Talmadge, Vognild, von Reichbauer, Walgren, Wanamaker, Wojahn, Woody—40.

Voting nay: Senators Bottiger, Fleming, Lewis, Ridder, Van Hollebeke, Williams, Wilson—7.

Excused: Senators Benitz, Keefe—2.

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 Marsh, the Senate commenced consideration of House Bill No. 307.

### SECOND READING

HOUSE BILL NO. 307, by Representatives Newhouse and Knowles:  
Revising the criminal code.

The Senate resumed consideration of House Bill No. 307. On Tuesday, April 10, 1979 the committee amendment had been adopted. Senator Pullen had moved adoption of an amendment by Senator Pullen and others.

Senator Pullen moved the following amendments by Senators Pullen, Day, Vognild, Sellar, von Reichbauer, Morrison, Conner, Rasmussen, Lewis and Guess be

considered and adopted simultaneously. The following amendment to page 7, after line 21 had been moved for adoption previously:

On page 7, after line 21, insert the following:

"Sec. 14. Section 9A.56.200, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.200 are each amended to read as follows:

(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.

(3) Every person convicted of robbery in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 5, after line 24, insert the following:

"Sec. 10. Section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.020 are each amended to read as follows:

(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.

(3) Every person convicted of arson in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 5, after line 24, insert the following:

"Sec. 10. Section 9A.40.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.020 are each amended to read as follows:

(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.

(3) Every person convicted of kidnaping in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 4, after line 25, insert the following:

"Sec. 8. Section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010 are each amended to read as follows:

(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 or 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.

(3) Every person convicted of assault in the first degree shall be confined for a mandatory minimum period of three years in a state correctional institution. No portion of this mandatory minimum sentence may be suspended or deferred by any court. The board of prison terms and paroles may set a period of confinement greater than three years, but the board shall not set a period of confinement of less than three years. A person sentenced pursuant to this provision shall not be released under any circumstances from the correctional institution prior to serving the entire three-year sentence. The department of social and health services shall not permit any such convicted person to participate in any work release or furlough program or to be released from the correctional institution for any reason during the three-year mandatory minimum period."

Renumber the remaining sections consecutively and correct internal references accordingly.

The motion by Senator Pullen failed and the amendments were not adopted on a rising vote.

On motion of Senator Walgren, the following amendment by Senators Walgren and Bottiger was adopted:

On page 7, after line 32, insert the following:

"Sec. 15. Section 14, chapter 46, Laws of 1971 ex. sess. and RCW 10.88.330 are each amended to read as follows:

(1) The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be

made against him under oath setting forth the ground for the arrest as in RCW 10.88.320; and thereafter his answer shall be heard as if he had been arrested on a warrant.

(2) An officer of the United States customs service or the immigration and naturalization service may, without a warrant, arrest a person if:

(a) The officer is on duty;

(b) One or more of the following situations exists:

(i) The person commits an assault or other crime involving physical harm, defined and punishable under chapter 9A.36 RCW, against the officer or against any other person in the presence of the officer;

(ii) The person commits an assault or related crime while armed, defined and punishable under chapter 9.41 RCW, against the officer or against any other person in the presence of the officer;

(iii) The officer has reasonable cause to believe that a crime as defined in (b) (i) or (ii) of this subsection has been committed and reasonable cause to believe that the person to be arrested has committed it;

(iv) The officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person to be arrested has committed it;  
or

(v) The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest; and

(c) The regional commissioner of customs certifies to the state of Washington that the customs officer has received proper training within the agency to enable that officer to enforce or administer this subsection."

Renumber the remaining sections consecutively and correct internal references accordingly.

On motion of Senator Gaspard, the following amendment was adopted:

On page 7, after line 32, insert the following:

"Sec. 15. Section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.065 are each amended to read as follows:

Each law enforcement agency to which a criminal act has been reported and which criminal act results in physical injury or death to a victim shall make a reasonable effort to inform the known victim or his surviving dependent(s) of the existence of this chapter and the procedure for making application for benefits provided by this chapter. In any criminal case wherein the victim has sustained physical, emotional, or financial trauma, the law enforcement agency shall make a reasonable effort to inform the known victim of the existence and method of contacting agencies which may be able to assist the victim. Such list of agencies shall include public or private organizations that provide support for victims of crime: PROVIDED, That the failure to so act ((with)) under this section shall not stay the operation of RCW 7.68.060.

NEW SECTION. Sec. 16. There is added to chapter 7.68 RCW a new section to read as follows:

No costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter."

Renumber the remaining sections and correct internal references accordingly.

Senator von Reichbauer moved adoption of the following amendment:

On page 7, after line 32, insert a new section to read as follows:

"NEW SECTION. Section 14. There is added to chapter 7.68 RCW a new section to read as follows:

(1) Every person, firm, corporation, partnership, association, or other legal entity contracting with any person or the representative or assignee of any person, accused of a crime in this state, with respect to the reenactment of the events of such crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions, or emotions regarding such events, shall pay over to the department any moneys which would otherwise, by terms of such contract be owing to the person so convicted or his representatives.

(2) The department shall deposit such moneys in an escrow account for the benefit of and payable to any victim of crimes committed by such person if such person is eventually convicted of the crime and the victim, within ten years of the date of the crime, brings a civil action in a court of competent jurisdiction and recovers a money judgment against such person or his representatives. The moneys in said escrow account shall be subject to execution in accordance with the provisions of Title 6 RCW if such person is convicted of a crime or crimes arising out of the events described in subsection (1) of this section. The moneys in the escrow account may also be paid over pursuant to a restitution order entered by the court in the underlying criminal conviction.

(3) Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that ten years have elapsed from the establishment of such escrow account and further that no actions are pending against such person pursuant to this section, the person may petition a court of competent jurisdiction for the return of the surplus money in the escrow account.

(4) Notwithstanding the foregoing provisions of this section, the department shall make payments from an escrow account to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such moneys shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

(5) Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities, or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state."

Renumber remaining sections consecutively.

### POINT OF ORDER

Senator Shinpoch: "Mr. President, I raise the question of scope and object on this amendment.

"As quickly as possible, it appears to me that this deals with contracts where the bill deals with certain offenses and charges that may be filed therefor, and it appears to me that this amendment is outside the scope and object of the bill."

### RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the Point of Order raised by Senator Shinpoch, the President finds that House Bill No. 307 is a measure which involves the definition and penalty relating to certain crimes and also involves, as amended, the Crime Victim Compensation Act.

"The amendment proposed by Senator von Reichbauer, also deals with amendments to the Crime Victims Compensation Act.

"The President therefore finds that the proposed amendment does not expand the scope and object of the bill and that the Point of Order is not well taken."

The amendment was ruled in order.

## MOTION

On motion of Senator Wilson, Senator Bausch was excused.

The motion by Senator von Reichbauer carried and the amendment was adopted.

On motion of Senator Sellar, the following amendments were adopted:

On page 4, after line 19, insert the following additional sections:

"Sec. 7. Section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 13, chapter 80, Laws of 1977 ex. sess. and RCW 9A.16.020 are each amended to read as follows:

The use, attempt, or offer to use force upon or toward the person of another (~~shall~~) is 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~~) is necessary;

(4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;

(5) 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))~~ (6) 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~~) is necessary to expel the offender with reasonable regard to his personal safety;

~~((6))~~ (7) Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled 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~~) is necessary to obtain legal authority for the restraint or custody of his person."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 7 after line 5 insert the following subsection:

"(2) 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 and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor said check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within thirty days of issuing said check or draft shall be guilty of unlawful issuance of a bank check."

Renumber remaining subsections consecutively.

On motion of Senator Marsh, the following amendments to the title were adopted:

On page 1, line 11 of the title, after "9.79.220;" insert "amending section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. as amended by section 13, chapter 80, Laws of 1977 ex. sess. and RCW 9A.16.020;"

On page 1, line 26 of the title, after "9A.88.030;" insert "amending section 9, chapter 302, Laws of 1977 ex. sess. and RCW 7.68.065; adding a new section to chapter 7.68 RCW;"

On page 1, line 26 of the title, after "9A.88.030;" insert "amending section 14, chapter 46, Laws of 1971 ex. sess. and RCW 10.88.330;"

On page 1, line 26 of the title, after "RCW 9A.88.030;" insert "adding a new section to chapter 7.68 RCW;"

On motion of Senator Marsh, the rules were suspended, House Bill No. 307, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 307, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bluechel, Bottiger, Clarke, Conner, Day, Donohue, Fleming, Gallagher, Gaspard, Goltz, Gould, Guess, Hansen, Hayner, Henry, Jones, Lee, Lewis, Lysen, Marsh, Matson, McDermott, Moore, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Quigg, Rasmussen, Ridder, Scott, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, Vognild, von Reichbauer, Walgren, Wanamaker, Williams, Wilson, Wojahn, Woody—46.

Excused: Senators Bausch, Benitz, Keefe—3.

HOUSE BILL NO. 307, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### SPECIAL ORDER OF BUSINESS SECOND READING

**SUBSTITUTE HOUSE BILL NO. 76**, by Committee on Local Government (originally sponsored by Representatives Charnley, Zimmerman, Garrett, Keller and Brekke) (by House Committee on Local Government of the 45th Legislature request):

Clarifying grant of home rule power to local governments.

The time having arrived, the Senate commenced consideration of Substitute House Bill No. 76.

The bill was read the second time by sections.

There being no objection, on motion of Senator Pullen, the amendments by Senator Pullen on the desk of the Secretary of the Senate were withdrawn.

Senator Wilson moved adoption of the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. It is the purpose of this chapter to expressly grant by statute home rule powers and authorities to counties, cities, charter counties, and charter cities, but it is not the purpose of this chapter to grant to counties, cities, charter counties, and charter cities any greater powers and authorities in relation to each other or in relation to any other municipal or quasi municipal corporation than exist on the effective date of this act.

Further, this chapter establishes which entities of local government are empowered to adopt any police power measures and engage in and provide for any related programs and projects without specific authorization by state law, and those which are limited to adopting measures concerning subjects of a local nature and engage in

and provide for any related programs and projects without specific authorization by state law. The powers and authorities granted by this chapter are not exclusive and are in addition to any other powers and authorities that have been or may be generally, specifically, or implicitly granted.

As used in this chapter, "city" includes every city and town in this state.

**NEW SECTION.** Sec. 2. Any county or city is empowered to make and enforce within its boundaries any local police power measure unless it is expressly or by clear implication prohibited by general state law from making and enforcing such measure: **PROVIDED**, That a county or city may also act concurrently with the state on any subject that is of a local nature and may adopt measures which complement the provisions of such state law unless expressly or by clear implication prohibited from so acting by state law.

**NEW SECTION.** Sec. 3. Any charter county or charter city is empowered with the authority granted to noncharter counties and cities in section 2 of this act, and in addition is empowered to make and enforce within its boundaries any police power measure unless expressly or by clear implication prohibited by general state law from making and enforcing such measure: **PROVIDED**, That a charter county or a charter city may also act concurrently with the state on any subject and may adopt measures which complement the provisions of such state laws unless expressly or by clear implication prohibited from so acting by state law.

**NEW SECTION.** Sec. 4. The powers and authorities delegated pursuant to sections 2 and 3 of this act shall not include powers of taxation or eminent domain, nor shall such powers and authorities permit a county, city, charter county, or charter city to dissolve, disincorporate, regulate, or assume the operations of any other municipal or quasi municipal corporation.

**NEW SECTION.** Sec. 5. Nothing in sections 2 or 3 of this act shall be construed to grant any additional authority to counties or cities over subjects regulated by the utilities and transportation commission pursuant to Titles 80 and 81 RCW.

**NEW SECTION.** Sec. 6. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 35 RCW."

Senator Pullen moved adoption of the following amendment to the amendment by Senator Wilson:

On page 2, line 11, after "is" strike "expressly or by clear implication"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen to the amendment by Senator Wilson.

Further debate ensued.

Senator Wilson demanded a roll call and the demand was sustained.

Senators Moore, Shinpoch and Wilson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Pullen to the amendment by Senator Wilson.

### ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 18; nays, 26; absent or not voting, 2; excused, 3.

Voting yea: Senators Clarke, Day, Donohue, Gallagher, Guess, Hansen, Hayner, Jones, Marsh, Matson, Moore, Morrison, Newschwander, Pullen, Rasmussen, Scott, Vognild, Wanamaker—18.

Voting nay: Senators Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Gould, Lewis, Lysen, McDermott, North, Odegaard, Peterson, Quigg, Ridder, Sellar, Shinpoch, Talley, Talmadge, Van Hollebeke, von Reichbauer, Walgren, Williams, Wilson, Wojahn, Woody—26.

Absent or not voting: Senators Henry, Lee—2.

Excused: Senators Bausch, Benitz, Keefe—3.

Senator Pullen moved the following amendments to the amendment by Senator Wilson be considered and adopted simultaneously:

On line 10, page 2, after "measure" strike "unless" and insert "if"

On line 12, page 2, strike "prohibited" and insert "so authorized"

On page 2, lines 12 and 13, strike "from making and enforcing" and insert "to make and enforce"

Debate ensued.

### MOTION

Senator Fleming moved the amendments by Senator Pullen to the amendment by Senator Wilson be laid upon the table.

The motion by Senator Fleming failed on a rising vote.

### MOTION

Senator Rasmussen moved that Substitute House Bill No. 76 be rereferred to the Committee on State Government.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Rasmussen that Substitute House Bill No. 76 be rereferred to the Committee on State Government.

### ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen carried by the following vote: Yeas, 23; nays, 22; absent or not voting, 1; excused, 3.

Voting yea: Senators Clarke, Conner, Day, Donohue, Gallagher, Guess, Hansen, Hayner, Henry, Jones, Marsh, Matson, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Scott, Talley, Van Hollebeke, Vognild, Wanamaker, Woody—23.

Voting nay: Senators Bluechel, Bottiger, Fleming, Gaspard, Gould, Lee, Lewis, Lysen, McDermott, Moore, North, Odegaard, Quigg, Ridder, Sellar, Shinpoch, Talmadge, von Reichbauer, Walgren, Williams, Wilson, Wojahn—22.

Absent or not voting: Senator Goltz—1.

Excused: Senators Bausch, Benitz, Keefe—3.

The roll call was questioned and the President requested the roll again be called on the motion by Senator Rasmussen that Substitute House Bill No. 76 be rereferred to the Committee on State Government.

### ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 22; nays, 22; absent or not voting, 1; excused, 3.

Voting yea: Senators Clarke, Day, Donohue, Gallagher, Guess, Hansen, Hayner, Henry, Jones, Marsh, Matson, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Scott, Shinpoch, Talley, Van Hollebeke, Vognild, Wanamaker, Woody—22.

Voting nay: Senators Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Gould, Lee, Lewis, McDermott, Moore, North, Odegaard, Quigg, Ridder, Sellar, Talmadge, von Reichbauer, Walgren, Williams, Wilson, Wojahn—22.

Absent or not voting: Senator Lysen—1.

Excused: Senators Bausch, Benitz, Keefe—3.

President Pro Tempore Henry presiding.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendments by Senator Pullen to the amendment by Senator Wilson.

The motion by Senator Pullen failed and the amendments to the amendment were not adopted on a rising vote.

#### MOTION

On motion of Senator Walgren, Substitute House Bill No. 76, as amended, together with the pending amendment by Senator Wilson, was ordered held for further consideration on Thursday, April 12, 1979.

#### MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 5, 1979.

SENATE BILL NO. 2922, providing for a building for the public employees retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2922 be substituted therefor, and that Second Substitute Senate Bill No. 2922 do pass.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Gaspard, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 291, making miscellaneous changes to the tax laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; McDermott, Vice Chairman; Gaspard, Jones, Marsh, Morrison, Odegaard, Rasmussen, Ridder, Scott, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

April 10, 1979.

SUBSTITUTE HOUSE BILL NO. 755, providing for rights, duties, and penalties when a vehicle is left on the highway (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Guess, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

April 10, 1979.

HOUSE BILL NO. 845, revising insurance licenses (reported by Committee on Financial Institutions and Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bausch, Chairman; Clarke, Day, Jones, von Reichbauer, Walgren.

Passed to Committee on Rules for second reading.

April 10, 1979.

SUBSTITUTE HOUSE BILL NO. 912, providing for solar easements (reported by Committee on Energy and Utilities):

MAJORITY recommendation. Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hayner, Lysen, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

April 10, 1979.

SUBSTITUTE HOUSE BILL NO. 1013, exempting certain companies and facilities using cogeneration processes from regulation as public service companies (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, Lysen, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

April 10, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075, relating to the Washington Public Power Supply System (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Chairman; North, Williams, Wilson, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Benitz, Hayner, Lewis.

Passed to Committee on Rules for second reading.

April 10, 1979.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, restraining ferry system operating expenses (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Chairman; Guess, Hansen, Lee, Peterson, Van Hollebeke, Wanamaker.

Passed to Committee on Rules for second reading.

April 9, 1979.

SUBSTITUTE HOUSE BILL NO. 1308, changing the laws concerning landlords and tenants in mobile home parks (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Marsh, Chairman; Talmadge, Vice Chairman; Bottiger, Jones, Woody.

Passed to Committee on Rules for second reading.

April 10, 1979.

HOUSE JOINT MEMORIAL NO. 16, requesting Congress to clear the regulatory barriers on gasohol production (reported by Committee on Energy and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Chairman; Hayner, Lewis, Lysen, North, Williams, Wilson, Woody.

Passed to Committee on Rules for second reading.

**MOTION**

At 6:20 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Thursday, April 12, 1979.

**JOHN A. CHERBERG**, President of the Senate.  
**SIDNEY R. SNYDER**, Secretary of the Senate.

**APPENDIX, HISTORY OF BILLS  
AND INDEX  
FOLLOWS IN  
VOLUME II OF  
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